

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

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§
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v.

Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

§
§

STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX O

Keith Ingram

March 28, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)
et al.,)
Plaintiffs,)
vs.)Civil Action No.
STATE OF TEXAS, et al.,)5:21-cv-844(XR)
Defendants.)(Consolidated Cases)

ORAL DEPOSITION OF
KEITH INGRAM
March 28, 2023
Volume 1

ORAL 30(b)(6) DEPOSITION OF KEITH INGRAM, Volume
1, produced as a witness at the instance of the
Plaintiff, and duly sworn, was taken in the
above-styled and numbered cause on March 28, 2023, from
4:22 p.m. to 7:22 p.m., before Dana Shapiro, CSR, in
and for the State of Illinois, reported by machine
shorthand, at 209 W. 14th Street, Austin, Texas 78701,
pursuant to the Federal Rules of Civil Procedure and
any provisions stated on the record or attached
hereto.

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Pages 14 to 17

<p style="text-align: right;">Page 14</p> <p>1 Q. That remain -- does that remain accurate 2 today?</p> <p>3 A. It does.</p> <p>4 Q. Does the statement that -- strike that. 5 Are these the only limitations on providing 6 cure data through the general election period?</p> <p>7 MS. HUNKER: Objection, form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Well, I mean it's subject to the obvious 10 limitation of whether or not the counties reported it.</p> <p>11 BY MR. STEWART:</p> <p>12 Q. Besides the -- whether the counties 13 reported it and the limitations stated here, any other 14 limitations you are aware of?</p> <p>15 A. Those would be them.</p> <p>16 Q. Then looking now at the supplemental 17 response on page 12. To the best of your knowledge, 18 does this response remain accurate today?</p> <p>19 A. Yes.</p> <p>20 Q. Focusing on the November 8, 2022 general 21 election. I want to focus on the final number under 22 here where it says total number of voters who use the 23 ballot by mail tracker to correct the defects in their 24 ABBM, and had their ABBM accepted or cancelled, their 25 application and voted in person: 419.</p>	<p style="text-align: right;">Page 16</p> <p>1 determined or not?</p> <p>2 A. Well, Kristi Hart would be the one to ask 3 the detailed information like that.</p> <p>4 Q. When --</p> <p>5 A. Don't tell her I used her name. I will get 6 killed.</p> <p>7 Q. During your prior deposition today when 8 Mr. Freeman was asking questions, you spoke about the 9 ballot tracker at votetexas.gov, correct?</p> <p>10 MS. HUNKER: Objection, form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. So the ballot by mail tracker I don't think 13 is -- I mean I know it's not at votetexas.gov. You can 14 get to it from there and you can get to it from SOS 15 website, but it's hosted actually by our third party 16 vendor who does TEAM for us.</p> <p>17 BY MR. STEWART:</p> <p>18 Q. Understood. Can that tracker be used to 19 cancel an ABBM?</p> <p>20 A. No.</p> <p>21 Q. No. It can be used to correct information, 22 right?</p> <p>23 A. Well, it can be used to correct a defective 24 number so if somebody transposed digits, whenever they 25 send in their application for ballot by mail that can</p>
<p style="text-align: right;">Page 15</p> <p>1 Do you see that?</p> <p>2 A. I see that, but I don't think that's what 3 it says.</p> <p>4 Q. Sorry. Could you restate it accurately.</p> <p>5 A. Well, I just want to make sure you 6 understand there is two different categories of folks 7 who are in here. There is some that corrected a defect 8 and had their application for ballot by mail accepted, 9 and there are some who just canceled the application 10 and voted in person. There is two different categories 11 of folks in this number.</p> <p>12 Q. That 419 response does that capture both of 13 those categories conjunctively?</p> <p>14 A. It does.</p> <p>15 Q. Does The Secretary of State maintain data 16 that could separately identify those two categories?</p> <p>17 A. No. Because what we know is that they 18 either had a vote history that was successful or not.</p> <p>19 Q. I see. There is no way to separate out the 20 ones who had either been accepted or those that 21 canceled and voted in person?</p> <p>22 A. There might be a way to do it. It might 23 require a query for, you know, early voting in person 24 or election day in person as opposed to voting by mail.</p> <p>25 Q. Who would know whether that could be</p>	<p style="text-align: right;">Page 17</p> <p>1 be corrected in the tracker.</p> <p>2 Q. Is there anything else that can be 3 corrected in the tracker?</p> <p>4 A. If they left off the information but TEAM 5 has it, they can do that in the tracker as well.</p> <p>6 Q. How can a voter cancel ABBM?</p> <p>7 A. So cancellation is not one of those things 8 I want to talk about off the top of my head. Do you 9 want me to go up election code and talk about the 10 different ways of cancelling?</p> <p>11 Q. If you could tell me where in the election 12 code it is.</p> <p>13 A. Chapter 84.</p> <p>14 Q. The law I guess -- withdraw that.</p> <p>15 What is in chapter 84 details all of the 16 ways by which an ABBM canceled?</p> <p>17 A. That's correct. You know, generally a 18 voter can do it by surrendering their mail ballot in 19 person at the polling place and voting in person or go 20 to voting clerk office and fill out a cancellation form 21 and then go vote in person.</p> <p>22 Q. Would you say those are the two most common 23 ways it's done?</p> <p>24 A. That's generally what it is and there is 25 other permeations of those two that get very</p>

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<p>1 complicated.</p> <p>2 Q. Does the Secretary of State's Office</p> <p>3 consider cancellation of ABBM to be a form of cure?</p> <p>4 A. Well, it's choice of voter as to whether or</p> <p>5 not to pursue voting by mail or decide to vote in</p> <p>6 person. From my perspective if the voter successfully</p> <p>7 votes that's a win.</p> <p>8 Q. You haven't considered specifically to put</p> <p>9 that under the umbrella of cure, if it's aimed towards</p> <p>10 successful voting?</p> <p>11 MS. HUNKER: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Right. It's not a cure of application if</p> <p>14 they decide to vote by person, but it is a successful</p> <p>15 vote.</p> <p>16 BY MR. STEWART:</p> <p>17 Q. So then turning back to the same language</p> <p>18 you looked at on page 12. This was presented this way</p> <p>19 and then as use ballot by mail tracker to correct the</p> <p>20 defects and have ABBM corrected or canceled their</p> <p>21 application and voted in person because that's the way</p> <p>22 data is maintained with those two things together,</p> <p>23 right?</p> <p>24 A. The data is maintained as to whether or not</p> <p>25 there was successful vote, yes.</p>	Page 18	Page 20
<p>1 Q. Turning to Exhibit 8 beginning on the</p> <p>2 bottom of page 12 on the same exhibit. Do you see</p> <p>3 where I am?</p> <p>4 A. Yes.</p> <p>5 Q. There is a portion where that asks state</p> <p>6 the number of voters who have cured carrier envelope</p> <p>7 identification defects using any on-line portal</p> <p>8 provided pursuant to SB1 from February 9, 2022 to</p> <p>9 present, correct?</p> <p>10 A. Correct.</p> <p>11 Q. The original response identified that TEAM</p> <p>12 captures only the current or most recent status seeked</p> <p>13 with any information in voter records, correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Does that remain true for data collected</p> <p>16 through the November 8, 2022 general election?</p> <p>17 A. That's correct.</p> <p>18 Q. Looking at the supplemental response on</p> <p>19 page 13 and take a moment if you need to. But does the</p> <p>20 data information here remain accurate, to the best of</p> <p>21 your understanding today?</p> <p>22 A. From the first answer, yes.</p> <p>23 Q. By the first answer which one are you</p> <p>24 identifying?</p> <p>25 A. I'm talking about the response and not the</p>	Page 19	Page 21

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<p style="text-align: right;">Page 34</p> <p>1 one voter a certain way they have got to treat all 2 voters similarly situated the same way. 3 Q. Did the Secretary of State's Office issue, 4 leaving aside those responses to those questions, any 5 new guidance regarding the ID number requirements after 6 the primary runoff? 7 A. No. 8 Q. Nothing about the implementation should 9 have changed following the primary runoff, correct? 10 A. I don't believe so. I mean we sent 11 reminders about that implementation, we had seminar 12 presentations about that implementation. We sent, you 13 know, materials that they could print and distribute to 14 voters about that implementation, but the guidance 15 itself didn't change after that. 16 Q. Did any county request to modify a form 17 used to implement the ID number requirement following 18 the primary runoff? 19 A. We had some requests for different sizes 20 and shapes and orientations of the carry envelope. I 21 believe all of those were before the runoff. 22 Q. Anything that would have changed the 23 substance of either the carrier envelope or the ABBM 24 form? 25 A. No.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. She says that Tarrant's reply was that the 2 voter had to come to their office to fix the issue, 3 correct? 4 A. That's what she says. 5 Q. Would advice be correct, to the best of 6 your knowledge? 7 A. Well, it kind of depends what issue they 8 were telling her that she needed to correct. If she 9 needed to correct the number in the voter registration 10 record obviously she could do that with a voter 11 registration application and she doesn't need to come 12 in person. If she's trying to fix the problem with the 13 application for ballot by mail then probably she needs 14 to show up in person or fill out a new application with 15 the transposed digits. 16 Q. I see. So if the problem were with the 17 ABBM, would she be able to correct that in the portal? 18 A. If the problem was that the original number 19 was transposed, the only way to fix it in the portal 20 was to create the transposed numbers are correct. 21 Q. The portal can't be used to change what's 22 in TEAM, it only be used to change what's on the ABBM? 23 A. That's correct. 24 Q. So how would she fix the issue -- if it is 25 correct that the issue in TEAM, what ways could she be</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Anything that would have changed the 2 substance of any of the instruction forms that the SOS 3 prepares? 4 A. No. 5 MR. STEWART: I think this is SOS 4. 6 (WHEREUPON, a certain document was 7 marked Deposition Exhibit No. 4, 8 for identification, as of 3/28/23.) 9 BY MR. STEWART: 10 Q. You should have document SOS 4, state 11 122242. I will give you a second to read that. That's 12 the double-sided. Let me know when you have had a 13 chance to read it. Are you good? 14 A. Yes. 15 Q. This appears to be an email from a voter to 16 Secretary of State's Office, correct? 17 A. I agree with that. 18 Q. The voter identifies, would you agree with 19 the characterization, that they say the Tarrant County 20 election office said the numbers in the voter 21 registration database, I take that to mean their ID 22 numbers were transposed. 23 A. That's what she says that her Social 24 Security number was entered incorrectly when she 25 originally registered back in 1980.</p>	<p style="text-align: right;">Page 37</p> <p>1 directed to fix that? 2 A. I think the only way you can fix that to 3 fill out a new voter registration application with the 4 correct number. 5 Q. So if TEAM then is the source of 6 transposition, it would be correct from Tarrant that 7 she would need to go into the office to correct that? 8 MS. HUNKER: Objection, form. 9 BY THE WITNESS: 10 A. You don't need to fill out a voter 11 registration application in person. 12 BY MR. STEWART: 13 Q. That's something she also could have done 14 remotely, correct? 15 A. That's correct. 16 Q. If it's correct in fact that the numbers 17 are transposed in TEAM, she would not be able to enter 18 the portal entering the correct number, right? 19 A. That's correct. She would have to enter 20 the transposed number and agree it's the correct number 21 for her mail bound application to be accepted. 22 Q. Got it. I want to turn to -- I think last 23 year when we spoke we discussed the HB2512 process; do 24 you recall? 25 A. I do.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. That's the process for present purposes by 2 which driver's license, ID number or SSN data is 3 imported from DPS database into team, correct? 4 A. That's correct. 5 Q. Was the HB2512 process run at any point in 6 2022 following the primary election? 7 A. No. 8 Q. Was it -- 9 A. It was in December. 10 Q. In December following the general election? 11 A. Not before the general. 12 Q. Not before the general, but in 2022 13 following -- let me withdraw that. It was not run 14 between the primary and the general, correct? 15 A. That's correct. 16 Q. It was run following the general before the 17 end of the year? 18 A. I agree. 19 Q. Has it been run again since then? 20 A. No, sir. 21 Q. Is that a regular annual process is that 22 why it was run in December? 23 A. It has historically been run in December, 24 not every December, but obviously the last two. 25 Q. I'm going to hand you what will be SOS 5. I</p>	<p style="text-align: right;">Page 40</p> <p>1 A. That's correct. If an individual went to 2 DPS to renew driver's license and supplied a new number 3 or changed a number, it would be reflected in this. 4 BY MR. STEWART: 5 Q. And then the post numbers reflect the state 6 of the database following the HB2512 process in 7 December of 2022, correct? 8 A. Agree with that. 9 Q. Looking at these numbers. There would be 10 some organic change in these numbers without the HP2512 11 process perhaps not to this degree, but they wouldn't 12 look the same as the 2021 numbers, correct? 13 A. Agree with that. 14 Q. Would you agree that though the HP2512 15 process did change these numbers to some extent? 16 A. Yes. 17 Q. Do you think the majority of this change is 18 due to HP2512? 19 MS. HUNKER: Objection, form. 20 BY THE WITNESS: 21 A. When you say this change what do you mean? 22 BY MR. STEWART: 23 Q. From the initial numbers on the left to the 24 post numbers on the right, each of which decreased. 25 For each of those categories, would you say the</p>
<p style="text-align: right;">Page 39</p> <p>1 will state I don't know why this document presented 2 without a Bates number. You Bates number on it. It is 3 state 137751. Just to put that on the record. 4 (WHEREUPON, a certain document was 5 marked Deposition Exhibit No. 5, 6 for identification, as of 3/28/23.) 7 MS. HUNKER: Thank you. 8 BY MR. STEWART: 9 Q. Do you recognize this document, Mr. Ingram? 10 A. I do. 11 Q. What is this? 12 A. This is the result of the comparison 13 process from December of '22. 14 Q. That's the same HB2512 process we were just 15 discussing? 16 A. That's correct. 17 Q. So the initial numbers, would they reflect 18 the state of the database following the 2021 process? 19 A. Plus whatever changes were made in the 20 course of the 2022. 21 Q. So they wouldn't reflect any changes from a 22 systemic process, but they could represent -- reflect 23 what I will call ad hoc changes to individual records? 24 MS. HUNKER: Objection, form. 25 BY THE WITNESS:</p>	<p style="text-align: right;">Page 41</p> <p>1 majority of the decrease is attributable to the HP2512 2 process? 3 A. I would say the changes exclusively related 4 to 2512 process. 5 Q. Why do you think additional numbers were 6 caught in the 2022 process that were not caught in the 7 2021 process? 8 A. Because database is not the same. 9 Q. You are saying some individuals may have, 10 for example, added an SSN or a driver's license to the 11 DPS database during the year 2022 before this was run 12 that are then pulled into the team database? 13 A. No. I mean that could happen. But more 14 likely is the information in the TEAM database changed 15 so our matching was more efficient. 16 Q. I see. So do you think it was mostly 17 attributable to improvement in matching on these 18 records? 19 A. Not -- the matching criteria didn't change. 20 So the data that we use improves and the matching gets 21 better. So if a voter supplied one or the other of the 22 numbers then it's easier to pull in the other number. 23 Q. You anticipated my next question. The 24 matching criteria was the same in the 2022 process as 25 in the 2021 process?</p>

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<p>1 A. Yes.</p> <p>2 Q. Would there have been any new registrants 3 who were able to register with only one of the driver's 4 license or SSN numbers?</p> <p>5 A. One of those numbers is the only thing 6 that's required so definitely we could have had new 7 registrants who registered with one number or the 8 other, and we were able to get the other number for 9 that voter pulled in through that process.</p> <p>10 Q. Just so it's clear in my mind, this would 11 have -- the change in these numbers from initial to 12 post would capture 2021 first time registrants who 13 registered with one number, and then had the other 14 number pulled in through this HP2512 process?</p> <p>15 A. I agree with that. I think you meant to 16 say '22 in that question.</p> <p>17 Q. I appreciate that correction.</p> <p>18 Looking at these individual categories, 19 looking at the third category, number of active and 20 suspense, I'm going from top to bottom, the third 21 category number of active and suspense voters that have 22 neither a TDL or SSN on their voter record, no value 23 for both fields. So those are the individuals in TEAM 24 who did not have either the TDL or the -- any portion 25 of an SSN, correct?</p>	<p>Page 42</p> <p>1 registration record that the county gets from the voter 2 is supposed to be reported nightly. So that's what we 3 call our batch process. That's not the same as syncing 4 the data. Syncing the data means we want to make sure 5 everything we have got in our system is captured in 6 off-line system so the databases are identical, right. 7 So the goal is to have zero differences in the sync 8 file. This kind of change in the SOS file is what we 9 are trying to sync to the voters. Then of course there 10 are other kinds of changes the county makes with regard 11 to pre-syncing in particular that aren't reflected in 12 an individual voter change that we would get in a batch 13 process. We want to sync those up as well. So those 14 are the two things that we are syncing is making sure 15 that everything from our database is in theirs and 16 making sure all of their precinct lines they may have 17 re-drawn are in ours.</p> <p>18 Q. Taking those two processes separately 19 because I assume -- do those processes run at the same 20 time?</p> <p>21 A. Yes.</p> <p>22 Q. They do?</p> <p>23 A. The sync is simultaneous.</p> <p>24 Q. So the sync is referring to information 25 from TEAM filtering down to the counties?</p>	<p>Page 44</p>
<p>1 A. Agree with that.</p> <p>2 Q. That number moved by less than 2,000, 3 correct?</p> <p>4 A. It looks like about 1,300 maybe.</p> <p>5 Q. Why do you think the movement in that was 6 smaller than in the other categories?</p> <p>7 A. Because it's the hardest category to do 8 anything with.</p> <p>9 Q. Have you discussed any way to capture more, 10 improve the HP2512 process for that category of voters 11 in the future?</p> <p>12 A. No.</p> <p>13 Q. Just a couple quick questions. After the 14 HP2512 process is run, how are those changes filtered 15 out to off-line counties?</p> <p>16 A. They are supposed to sync their data with 17 ours on a monthly basis.</p> <p>18 Q. That occurs monthly?</p> <p>19 A. It does or it's supposed to.</p> <p>20 Q. Is that a two-way sync? So, for example, 21 if something gets changed in the county's off-line 22 database more recently than the information in TEAM, 23 should that be then filtering into TEAM as well?</p> <p>24 A. So there is two different things that you 25 might be confusing here. Any changes in voter</p>	<p>Page 43</p> <p>1 A. That's right.</p> <p>2 Q. That occurs monthly?</p> <p>3 A. It's supposed to occur monthly. We have to 4 do it much less often. With this change in law it 5 became expedient to do it more often.</p> <p>6 Q. All new registrations are entered by the 7 county into their databases, correct?</p> <p>8 A. That's right, many changes to registration 9 is entered.</p> <p>10 Q. Those changes are coming upward to TEAM 11 daily?</p> <p>12 A. That's right.</p> <p>13 Q. Then new information from HP2512 is going 14 from TEAM to the counties monthly?</p> <p>15 A. Well, we sync the database monthly. The 16 new information from 2512 is obviously an annual thing.</p> <p>17 Q. I see. It would be part of that monthly 18 sync process?</p> <p>19 A. It would.</p> <p>20 Q. Information entered into the texas.gov 21 portal that gets pulled over, where does that go first?</p> <p>22 A. To TEAM.</p> <p>23 Q. That will to the counties as part of the 24 monthly process?</p> <p>25 A. That's right.</p>	<p>Page 45</p>

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Page 46 1 Q. If there is any difference in the county 2 and state databases, would those likely be due to a lag 3 in time between basically the monthly process 4 occurring? 5 MS. HUNKER: Objection, form. 6 BY THE WITNESS: 7 A. That's right, or they haven't resolved 8 everything that was a difference in the last sync file. 9 BY MR. STEWART: 10 Q. What does it mean to resolve it? 11 A. To choose one or the other. 12 Q. When something comes down from the sync 13 file from TEAM to the county, the county needs to 14 resolve each of those in their own database? 15 A. That's correct. 16 Q. If there is an import from Texas.gov, those 17 cannot be used by the county in the cure process until 18 the next sync occurs; is that correct? 19 A. No, they can use TEAM. They are -- all 20 have access to TEAM and we told them to use tell. 21 Q. They wouldn't be reflected in the county, 22 but the instruction from the SOS is to also look in the 23 TEAM database? 24 A. That's right. 25 Q. Do you know if all counties follow that	Page 48 1 marked SOS Exhibit No. 6, for 2 identification, as of 3/28/23.) 3 BY MR. STEWART: 4 Q. Give you a second to read, Mr. Ingram. 5 A. Okay. 6 Q. This is a mass email from the Secretary of 7 State's Office to county election officials? 8 A. That's correct. 9 Q. That's with instructions on finalizing 10 election reporting for the March 1 primary, correct? 11 A. That's correct. 12 Q. I want to focus on the section that 13 bulleted incomplete or missing TDL/SSN/on-line cure 14 available. I'm going to look at the last paragraph 15 there to make sure I understand what it's saying. Are 16 these directions on how ABBM information should be 17 entered into TEAM? 18 A. Yes. 19 Q. It says, "For ballots marked incomplete or 20 missing TDL/SSN on-line cure available following the 21 deadline for correction the ABBM records will need to 22 be updated to received after deadline. Off-line 23 counties will need to submit status update for these 24 records. Please verify correct coding for these 25 statuses with your vendors."
Page 47 1 instruction? 2 A. I don't know that for sure. I'm pretty 3 sure Bexar County didn't. Jackie does what Jackie 4 does. 5 Q. Any others you think may not have? 6 A. No, I'm pretty sure they mostly did. 7 Q. Are you aware of any counties -- withdraw 8 that. Good news is I'm shortening my questions here. 9 Did any county report -- rephrase that. 10 Did any off-line counties report to the SOS 11 their vendors having issues with information keeping 12 for mail ballots for the general election? 13 A. Not for the general. 14 Q. For the primary? 15 A. Yes. 16 Q. Which counties were those if you recall? 17 A. The VOTEC counties. 18 MR. STEWART: Could we take a short break. 19 (WHEREUPON, a recess was had.) 20 BY MR. STEWART: 21 Q. I'm going to show you, Mr. Ingram, the next 22 document if I can find it. 23 MR. STEWART: I believe we are at SOS 6. It's 24 Bates stamped 123228. 25 (WHEREUPON, a certain document was	Page 49 1 Did I read that right? 2 A. You did. 3 Q. Does this mean that in TEAM no ABBM would 4 ultimately be identified as incomplete or missing 5 TDL/SSN on-line cure available once the cure deadline 6 has passed? 7 A. That's what it looks like. I'm not sure 8 why it says for ballots marked and then talks about 9 ABBMs. 10 Q. So you are saying there's a mismatch there 11 between describing ballots on the one hand and ABBM on 12 the other? 13 A. Agreed. 14 Q. Would these instructions effect ballot 15 recordkeeping? 16 A. Well, they reflect final status. 17 Q. The final status of ABBMs? 18 A. Exactly. 19 Q. Would any -- I'm sorry. 20 A. It's got the same discrepancy in the first 21 paragraph. Not sure. 22 Q. What I'm trying to understand is would you 23 be able to tell using TEAM then whether any ABBM was 24 rejected for incomplete or missing TDL/SSN on-line cure 25 available after the cure deadline has passed using the

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<p>1 MS. HUNKER: Objection, form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. The absolute number probably has increased, 4 but the percentage has probably gone down.</p> <p>5 BY MS. PERALES:</p> <p>6 Q. Understood. Do you keep track of number of 7 referrals you make to law enforcement?</p> <p>8 A. Yes.</p> <p>9 Q. With respect to section 2.11.</p> <p>10 A. Yes.</p> <p>11 Q. This is also related to persons excused 12 from jury duty for non-residence in the county. And it 13 adds a requirement for the clerk to report not only to 14 the voter registrar, but also to the Secretary of 15 State. So in some ways it's connected to that previous 16 provision that we looked at together. And is your 17 testimony the same then that with respect to section 18 2.11 you, the Secretary of State, have not received any 19 referrals or lists from county jury clerks?</p> <p>20 A. That's correct of people who have been 21 excused because of non-residence in the county.</p> <p>22 Q. Thank you. Section 3.04 on page 14. I feel 23 bad for massacring some of my descriptions of these 24 provisions. But this is basically a requirement that 25 polling places be located inside a building, and</p>	Page 82	Page 84
<p>1 essentially a prohibition on what people might call 2 drive-thru voting; is that right?</p> <p>3 MS. HUNKER: Objection, form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I agree it's a prohibition on generalized 6 drive-thru voting and says that only people who qualify 7 for curbside voting can vote from a car.</p> <p>8 BY MS. PERALES:</p> <p>9 Q. I accept your distinction between curbside 10 voting and drive-thru --</p> <p>11 A. Right.</p> <p>12 Q. -- voting.</p> <p>13 Since the primary runoff election in 2022, 14 have you -- has your office received any expressions of 15 concern or opposition to the elimination of drive-thru 16 voting?</p> <p>17 A. Not that I'm aware of, no, ma'am, from 18 either the public or counties?</p> <p>19 Q. For you -- sorry?</p> <p>20 A. From either the public or counties.</p> <p>21 Q. Okay.</p> <p>22 Did you have any communications from the 23 Secretary of State with, for example, the Office of 24 Attorney General that's separate and apart from 25 attorney-client stuff related to this litigation</p>	Page 83	Page 85

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Pages 86 to 89

<p>1 BY THE WITNESS:</p> <p>2 A. I mean we don't know. I mean some voters 3 can drive it in as easily as they can mail it, but 4 there is a reason why people vote by mail. Generally 5 it's because they are not as mobile. So to increase 6 the odds of them curing we need to have a mail back 7 form.</p> <p>8 BY MS. PERALES:</p> <p>9 Q. Texas vote by mail eligibility involves 10 being for the most part either over age 65 or 11 physically disabled, is that correct -- or disabled in 12 some way?</p> <p>13 A. Agreed.</p> <p>14 Q. So you had listed basically four things, 15 the 2026 effective date provision, and then the three 16 things you just talked to me about now. Have you had 17 any discussions with members of the legislator or 18 legislative staff about amending any of the provisions 19 in SB 1 that are the subject of this lawsuit?</p> <p>20 A. No.</p> <p>21 Q. So then I won't have to ask it for each 22 individual provision.</p> <p>23 Let's look at --</p> <p>24 A. Oh, we did talk to one senator's office 25 about possible changes to poll watchers.</p>	Page 86	<p>1 questioning including sealing this portion of the 2 transcript, preventing its further disclosure or use at 3 trial, appealing or seeking any emergency relief from 4 the Fifth Circuit, and any other relief allowed by law. 5 We further designate this testimony as confidential 6 under the protected order in this matter.</p> <p>7 BY THE WITNESS:</p> <p>8 A. So what we talked to him about was the 9 incident in Dallas County where the poll watcher had a 10 certificate that -- of appointment and had a 11 certificate that they had been trained, but they didn't 12 have to show an ID they were the same person on those 13 certificates. So he wondered if maybe an ID 14 requirement for poll watchers should be added to the 15 code. And we told him that was his choice. But, you 16 know, that's an incident that we had with a poll 17 watcher that blew up into a confrontation that probably 18 didn't need to happen.</p> <p>19 BY MS. PERALES:</p> <p>20 Q. Do you know where the precinct was located 21 in Dallas County?</p> <p>22 A. I don't.</p> <p>23 Q. Do you know if the poll worker and the poll 24 watcher were of different races?</p> <p>25 A. I don't know.</p>	Page 88
<p>1 Q. Which senator's office was that?</p> <p>2 A. Royce West.</p> <p>3 Q. Now I will take a deep breath and I will 4 put my question on the record. My question is what 5 communications if you could describe the substance of 6 the communication with Senator West's office regarding 7 making changes to SB 1's provisions related to poll 8 watchers?</p> <p>9 MS. HUNKER: I object on legislative privilege 10 grounds. I represent Senator West for the purposes of 11 protecting his privilege today. On behalf of Senator 12 West I object to that on the basis of legislative 13 privilege. It's wholly inappropriate for this question 14 to be asked at all given the pending appeals to which 15 we are all a party. We vehemently disagree with the 16 district court's decision to permit this kind of 17 questioning while we await a decision from the Fifth 18 Circuit. Nonetheless the district court has wrongly 19 made clear that attorneys who raise these objections 20 face the possibility of contempt. We have a duty to 21 our clients to protect their privileged information. 22 Because of the district court's orders and threat we 23 cannot instruct the witness not to answer this 24 question. However, the State Defendants and Senator 25 West reserve all rights to challenge this improper</p>	Page 87	<p>1 MS. HUNKER: Objection, form.</p> <p>2 BY MS. PERALES:</p> <p>3 Q. When you say that you told Senator West 4 that it was ultimately up to him whether he wanted to 5 propose such a change, did you make a recommendation 6 either way?</p> <p>7 MS. HUNKER: I'm going to object on legislative 8 privilege grounds.</p> <p>9 BY THE WITNESS:</p> <p>10 A. No.</p> <p>11 MS. PERALES: I will give you your fully 12 expressed objection.</p> <p>13 MS. HUNKER: Thank you.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 BY THE WITNESS:</p> <p>16 A. No.</p> <p>17 BY MS. PERALES:</p> <p>18 Q. So having recalled that discussion with 19 Senator West related to poll watchers, do you recall 20 having any discussions with any other members of the 21 legislator or legislative staff about changing any of 22 the language in SB 1 related to poll watchers? Anybody 23 else besides Senator West?</p> <p>24 A. No, that was -- that would be the only one.</p> <p>25 Q. Then so just to see if I can jog your</p>	Page 89

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

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v. Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

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STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX P

Transcript of the Testimony of
Isabel Longoria

Date:

April 20, 2022

Case:

LA UNION DEL PUEBLO ENTERO V. GREGORY W. ABBOTT

Isabel Longoria

April 20, 2022
Pages 2 to 5

Page 2		Page 4
1	UNITED STATES OF AMERICA	*
2	v.	*
3	THE STATE OF TEXAS, et al	*
4	*****	*****
5		
6	ORAL AND VIDEOTAPED DEPOSITION OF	
7	ISABEL LONGORIA	
8	APRIL 20, 2022	
9	VOLUME 1 OF 1	
10		
11	Oral and videotaped deposition of Isabel Longoria,	
12	produced as a witness at the instance of the defense, and duly	
13	sworn, was taken in the above-styled and numbered cause on April	
14	20, 2022, from 9:24 a.m. to 2:32 p.m., before Terrie Doyle	
15	Escobar, CSR in and for the State of Texas, reported by oral	
16	stenography, at the Office of the Texas Attorney General,	
17	Consumer Protection Division, Houston Regional Office, 808 Travis	
18	Street, Suite 1520, Houston, Texas 77002, pursuant to Rule 30 of	
19	the Federal Rules of Civil Procedure.	
20		
21		
22		
23		
24		
25		
Page 3		Page 5
1	A P P E A R A N C E S	
2		
3	FOR THE HAUL PLAINTIFFS:	
4	MR. KENNETH E. BROUGHTON	
5	REED SMITH, LLP	
6	811 MAIN STREET, SUITE 1700	
7	HOUSTON, TEXAS 77002	
8	PHONE: 713-806-8434	
9	EMAIL: kbroughton@reedsmit.com	
10		
11	FOR STATE DEFENDANTS:	
12	MR. WILLIAM T. THOMPSON	
13	OFFICE OF THE ATTORNEY GENERAL	
14	DEPUTY CHIEF, SPECIAL LITIGATION UNIT	
15	POST OFFICE BOX 12548	
16	AUSTIN, TEXAS 78711	
17	PHONE: 512-936-2567	
18	EMAIL: will.thompson@oag.texas.gov	
19		
20	FOR DEFENDANT ISABEL LONGORIA:	
21	MS. CHRISTINA BEELER	
22	MR. JONATHAN FOMBONNE	
23	OFFICE OF THE HARRIS COUNTY ATTORNEY	
24	1019 CONGRESS PLAZA, 15TH FLOOR	
25	HOUSTON, TEXAS 77002	

Isabel Longoria

April 20, 2022
Pages 142 to 145

<p style="text-align: right;">Page 142</p> <p>1 voters or were registered voters, perhaps, at the time they 2 applied, but for whatever reason, their voter registration lapsed 3 or, you know, for example, provisional voters weren't able to 4 then cure whatever provisional defect there was, so, ultimately, 5 they were unable to vote by mail.</p> <p>6 Q. Are you aware of instances in which someone has tried 7 to vote by mail but pretending to be somebody else?</p> <p>8 A. Not to my knowledge, no.</p> <p>9 Q. Before SB1 took effect, what information would someone 10 need to apply for a ballot by mail?</p> <p>11 A. Someone would need to submit an application to vote by 12 mail that contains their name, residential address, mailing 13 address -- name, address -- the reason for their qualification to 14 vote by mail -- for example, being in the military, disabled, or 15 over the age of 65 -- they had to sign the form essentially 16 saying, you know, I swear I am who I say I am, and then 17 submitting the election that they needed a ballot for. I think 18 those are the general categories on there.</p> <p>19 Q. Right. And so the kind of identifying information on 20 there would be the name and address; right?</p> <p>21 A. Yes.</p> <p>22 Q. Are voters' names and addresses publicly available in 23 Harris County?</p> <p>24 A. Yes.</p> <p>25 Q. They're available through the voter file, for example;</p>	<p style="text-align: right;">Page 144</p> <p>1 another registered voter's name and address; right?</p> <p>2 A. Their name and address? Yes.</p> <p>3 Q. And, you know, if they wanted to be clever, they could 4 even do it for someone who's registered to vote but who has a 5 practice of not voting in recent elections; right?</p> <p>6 MR. FOMBONNE: Objection to form.</p> <p>7 (BY MR. THOMPSON:)</p> <p>8 A. To the extent that they would have access to that kind 9 of information to determine that, yes.</p> <p>10 Q. Right. So if someone got access to the publicly 11 available information from Harris County, he'd be able to submit 12 all the information required to request a ballot by mail on 13 someone else's behalf and do so in a way that targets people who 14 are registered to vote but who have not, in fact, voted recently; 15 right?</p> <p>16 A. No. No.</p> <p>17 Q. Why?</p> <p>18 A. The voter file would not contain information about a 19 voter's age, and, so, if -- again, I can't 100 percent remember, 20 but I'm trying to remember -- if you -- if you need -- to the 21 extent you need to include your date of birth on the application, 22 an individual would have to find that date of birth not through 23 the voter file or some other means, in addition to which you 24 would still have to fill out the reason for which you could apply 25 to vote by mail, which would not be found in a voter file.</p>
<p style="text-align: right;">Page 143</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. And your office will give out copies of the voter file 4 when requested; right?</p> <p>5 A. If the request is eligible for such information, yes.</p> <p>6 Q. Are political parties eligible to request the voter 7 file?</p> <p>8 A. Yes.</p> <p>9 Q. Who else is eligible to request the voter file?</p> <p>10 A. As I believe, if I understand correctly or remember 11 correctly, any eligible citizen is able to, you know, public 12 information request, request a copy of the voter file. And I 13 believe you may even be able to download it from our website. I 14 just can't remember if it's the voter file or the vote record for 15 any given election.</p> <p>16 Q. And for publicly available records, one could determine 17 whether another individual is registered to vote; right?</p> <p>18 A. Yes.</p> <p>19 Q. And one could determine whether someone who is 20 registered to vote has in fact voted in recent elections; right?</p> <p>21 A. If you got the vote history file, yes.</p> <p>22 Q. And that's publicly available?</p> <p>23 A. Yes.</p> <p>24 Q. So based on publicly available information, someone 25 could submit before SB1 an application to vote by mail with</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Of course, the reason to vote by mail could just be a 2 lie; right?</p> <p>3 A. Uh, any -- sure.</p> <p>4 Q. It's not something you verify; right?</p> <p>5 A. Our office couldn't determine what is a lie or not a 6 lie, but, yes, a -- you know, an individual could fill out a 7 form.</p> <p>8 Q. If someone submits an application to vote by mail and 9 the reason given for voting by mail is that he expects to be out 10 of the county when in-person voting is happening, you wouldn't 11 have any way of verifying or not verifying that information; 12 right?</p> <p>13 A. Correct.</p> <p>14 Q. Are you aware that on an application to vote by mail 15 providing a date of birth is optional?</p> <p>16 A. I did not remember, but --</p> <p>17 MR. FOMBONNE: Objection to form.</p> <p>18 (BY MR. THOMPSON:)</p> <p>19 Q. Do you have any reason to disagree with that?</p> <p>20 A. No.</p> <p>21 Q. So if a person wanted to submit an application to vote 22 by mail using someone else's information, he could gather the 23 required personal information from publicly available sources; 24 right?</p> <p>25 A. Yes.</p>

Isabel Longoria

April 20, 2022
Pages 146 to 149

1 Q. At least, before SB1; right? 2 A. Yes. 3 Q. But with SB1, the application to vote by mail is 4 supposed to include some ID numbers; right? 5 A. Yes. 6 Q. And what are those numbers? 7 A. The last four digits of your Social Security number, 8 your driver's license number; absent of either of those, a Texas 9 election ID number or a statement certifying that you have access 10 to neither of those documents -- or not access, but you don't 11 have either a Social Security, driver's license, or election ID 12 number. 13 Q. To the best of your knowledge, are driver's license 14 numbers publicly available? 15 A. No. 16 Q. To the best of your knowledge, are Social Security 17 numbers publicly available? 18 A. No. 19 Q. To the best of your knowledge, are the last four digits 20 of a Social Security number publicly available? 21 A. No. 22 Q. So would it be fair to say that SB1, by imposing an ID 23 number requirement on an application to vote by mail, now 24 requires information that is not publicly available? 25 A. Yes.	Page 146 1 the mail. 2 Q. When voters call to express concerns about election 3 integrity to your office, do you know whether they are sincere? 4 MR. FOMBONNE: Objection to form. 5 (BY MR. THOMPSON): 6 A. To the extent that anyone -- that we assume anyone who 7 calls our office has a valid concern, and so we share the 8 information we can with them to alleviate any concerns they might 9 have. 10 Q. That's not quite what I was asking. Let me try again. 11 A. Sure. 12 Q. You've spoken on the phone with people who are 13 expressing concerns about election integrity; right? 14 A. I have not; the call center that we run as part of the 15 office has. 16 Q. So people in your call center have spoken on the phone 17 with Harris County residents who are expressing concern about 18 election integrity; right? 19 A. Yes. 20 Q. Do the people in this call center ever tell you whether 21 they think the callers are expressing sincere concerns? 22 MR. FOMBONNE: Objection to form. 23 (BY MR. THOMPSON): 24 A. Yes, as in the voters are sincerely expressing those 25 concerns.
1 Q. And that's change from the pre-SB1 law; right? 2 A. Yes. 3 Q. Do people in Harris County ever express concerns about 4 election integrity to you? 5 A. Yes. 6 Q. Can you tell me about those. 7 A. Broadly, calls -- again, calls that might come into the 8 office in broad buckets expressing voters who are worried 9 Russians are hacking elections in Harris County, are worried 10 that, you know, broadly, they hear claims of national election 11 stories and worried that somehow Harris County is also, you know, 12 prone or could be a victim of hacking or other issues related to 13 elections. 14 Q. So are all of the concerns about election integrity 15 that you receive related to hacking? 16 A. Hacking? Yes, and, you know, can the machines be 17 hacked, are the machines connected to the internet, are the 18 machines faxing my vote to the Russians, broadly based conspiracy 19 or -- or hacking questions. 20 Q. Do you ever receive calls expressing concerns about 21 election integrity related to ballot harvesting, for example? 22 A. Ballot harvesting? No. Again, only related to 23 complaints of voters sharing that they prefer not to put their ID 24 numbers in mail as they have worries about identity theft, if 25 they include, you know, sensitive information that is then put in	Page 147 Page 149 1 Q. The voters may be saying something that's inaccurate; 2 right? 3 A. Yes. 4 Q. But they honestly believe it when they say it; right? 5 A. Yes. 6 Q. And your office tries to alleviate those concerns? 7 A. Yes. 8 Q. Why? 9 A. If voters have concerns about voting, whether or not be 10 about election integrity or anything else, it's our duty to make 11 sure that we give voters the most accurate information we have to 12 help them feel, you know, good and taken care of, just in general 13 customer service and constituent responses. 14 Q. Do you think it's important for voters to believe that 15 the system is secure? 16 A. Yes. 17 Q. What is the purpose of having poll watchers in Harris 18 County elections? 19 A. As I understand it, poll watchers are representatives 20 of campaigns who are there to observe that election clerks and 21 election judges and workers broadly are upholding the Texas 22 Election Code in the administration of elections. 23 Q. So is the idea that someone were violating the law in 24 the administration of the election, a poll watcher might be able 25 to observe it and report it?

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

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v. Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

§
§

STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX Q

Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

Print clearly in blue or black ink, please see back for instructions.

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.

1 Who are you? Pick one.

I request an absentee I am on active duty in the Uniformed Services or Merchant Marine -OR- I am an eligible spouse or dependent.
 ballot for all elections I am a U.S. citizen living outside the country, and I intend to return.
 in which I am eligible I am a U.S. citizen living outside the country, and my intent to return is uncertain.
 to vote AND: I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name

Suffix (Jr., II)

Mr. Miss

First name

Previous names (if applicable)

Mrs. Ms.

Middle name

Birth date (MM/DD/YYYY)

Social Security Number

Driver's license or State ID#

2 What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address

Apt #

City, town, village

State

County

ZIP

3 Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)

Your mail forwarding address. (If different from mailing address)

4 What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:

Phone:

Alternate email:

Fax:

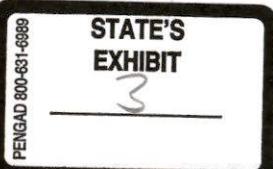
5 What are your preferences for upcoming elections?

A. How do you want to receive Mail
 voting materials from your Email or online
 election office? (Select One) Fax

B. What is your political party
 for primary elections?

6 What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. Additional state guidelines may be found at FVAP.gov. You may also use this space to clarify your voter information.



You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Sign here

X

Today's date

(MM/DD/YYYY)

You can vote wherever you are.

1. Fill out your form completely and accurately.

- Your U.S. address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. New Mexico, Tennessee, and Virginia require a full SSN.
- If you cannot receive mail at your current mailing address, please specify a mail forwarding address.
- Many states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- Section 6 Requirements:** If your voting residence is Vermont, you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." If your voting residence is in Puerto Rico, you must list your mother's and father's first name.
- We recommend that you complete and submit this form every year while you are an absentee voter.

2. Remember to sign this form!

3. Return this form to your election official. You can find their contact information at FVAP.gov.

- Remove the adhesive liner from the top and sides. Fold and seal tightly. If you printed the form, fold it and seal it in an envelope.
- All states accept this form by mail and many states accept this form by email and fax. See your state's guidelines at FVAP.gov.

The public reporting burden for this collection of information, OMB Control Number 0704-0503, is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. DO NOT SUBMIT YOUR FORM TO THE E-MAIL ADDRESS ABOVE.

Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

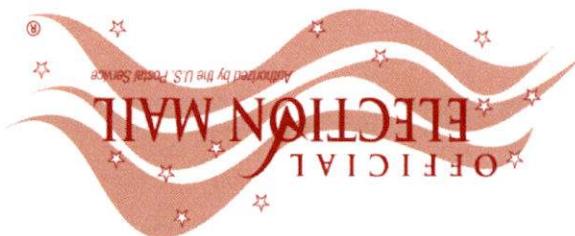
Questions?
Email: vote@fvap.gov

The address can be found online at FVAP.gov.
(Fill in the address of your election office.)

To

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

OFFICIAL ABSENTEE BALLOTTING MATERIAL - FIRST CLASS MAIL



U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch. International airmail postage is required if not mailed using the

PAR AVION
U.S. Postage Paid
39 USC 3406



From
(Your name and mailing address)

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

§
§
§
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v. Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

§
§

STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX R

Frank Phillips

March 31, 2023

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION

4 LA UNIÓN DEL PUEBLO §
5 ENTERO, ET AL., §
6 PLAINTIFFS, §
7 V. § CIVIL ACTION NO. 5:21-CV-844 (XR)
8 STATE OF TEXAS, ET § (CONSOLIDATED CASES)
9 AL., §
10 DEFENDANTS. §

11 ORAL DEPOSITION OF

12 FRANK PHILLIPS

13 MARCH 31, 2023

14 *****

15 ORAL DEPOSITION OF FRANK PHILLIPS, PRODUCED AS A
16 WITNESS AT THE INSTANCE OF THE PLAINTIFF, AND DULY
17 SWORN, WAS TAKEN IN THE ABOVE-STYLED AND -NUMBERED CAUSE
18 ON THE 31ST DAY OF MARCH, 2023, FROM 9:14 A.M. TO
19 12:40 P.M., BEFORE KAREN A. GONZALEZ, COMMISSIONED
20 NOTARY, IN AND FOR THE STATE OF TEXAS, REPORTED BY
21 MACHINE SHORTHAND, FROM DALLAS COUNTY, TEXAS, PURSUANT
22 TO THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS SUPREME
23 COURT EMERGENCY ORDER REGARDING THE COVID-19 STATE OF
24 DISASTER AND THE PROVISIONS STATED ON THE RECORD OR
25 ATTACHED HERETO.

Frank Phillips

March 31, 2023
Pages 94 to 97

<p style="text-align: right;">Page 94</p> <p>1 Q. LET'S GO WITH DENTON COUNTY FIRST, AND THEN YOU 2 CAN TALK ABOUT IN GENERAL. 3 MS. HUNKER: OBJECTION; FORM. 4 A. SURE. ONE WOULD BE JUST OUR GENERAL INCREASE IN 5 POPULATION. 6 Q. (BY MS. YUN) UH-HUH. 7 A. AND I THINK IT'S JUST BECOME MORE -- I HATE TO 8 SAY ADVERTISED. I THINK IT'S PROMOTED MORE THAN IT USED 9 TO BE. 10 Q. UH-HUH. 11 A. I THINK PEOPLE TAKE ADVANTAGE OF MAIL VOTING. I 12 MEAN, I JUST THINK PEOPLE -- A LOT OF PEOPLE DO IT JUST 13 BECAUSE IT'S CONVENIENT. SO A POPULATION INCREASE AND 14 THE GENERAL PROMOTION OF VOTING BY MAIL IS CAUSING AN 15 INCREASE. 16 Q. UH-HUH. 17 AND WOULD YOU AGREE THAT FOR SOME FOLKS IN DENTON 18 COUNTY, THAT IT IS THE ONLY WAY FOR THEM TO VOTE? 19 MS. HUNKER: OBJECTION; FORM. 20 A. FOR SOME FOLKS, YES. 21 Q. (BY MS. YUN) DUE TO DISABILITY, FOR EXAMPLE? 22 MS. HUNKER: OBJECTION; FORM. 23 A. PROBABLY DISABILITY, YES. 24 Q. (BY MS. YUN) AND WOULD YOU AGREE THAT FOR SOME 25 FOLKS, IT IS VERY DIFFICULT FOR THEM TO CURE THEIR MAIL</p>	<p style="text-align: right;">Page 96</p> <p>1 ANYTHING ELSE THAT YOU DISCUSSED WITH THE STATE ABOUT 2 YOUR TRIAL TESTIMONY THAT WE HAVEN'T DISCUSSED THUS FAR 3 TODAY? 4 A. I HAVEN'T DISCUSSED WITH THE STATE ABOUT MY -- 5 THE WITNESS: OH, ARE YOU THE STATE? 6 MS. HUNKER: I'M THE STATE. 7 Q. (BY MS. YUN) SORRY. THE AG'S OFFICE, 8 MS. HUNKER. 9 A. NO. 10 MS. YUN: NOTHING ELSE. AND SO I'LL PASS 11 THE WITNESS. 12 MS. HUNKER: ARE THERE ANY OTHER PLAINTIFF 13 GROUP THAT WOULD LIKE TO ASK QUESTIONS OF THE WITNESS ON 14 THE ZOOM CALL? 15 MR. D'ANGELO: NOT FOR ME, THANK YOU. 16 MS. HUNKER: THAT WAS WILLIAM D'ANGELO. 17 ANY OTHER PLAINTIFF GROUPS HAVE ANY 18 QUESTIONS FOR THE WITNESS? 19 HEARING NONE, THE STATE IS GOING TO DO A 20 SHORT DIRECT EXAMINATION. 21 EXAMINATION 22 BY MS. HUNKER: 23 Q. MR. PHILLIPS, HAVE VOTERS CONVEYED TO YOU 24 CONCERNs ABOUT VOTER FRAUD? 25 A. YES.</p>
<p style="text-align: right;">Page 95</p> <p>1 BALLOT ERROR? 2 MS. HUNKER: OBJECTION; FORM. 3 A. I WOULD SAY YES. 4 Q. (BY MS. YUN) OKAY. AND I THINK YOU TESTIFIED 5 EARLIER -- AND CORRECT ME IF I'M WRONG -- THAT SOMETIMES 6 FOLKS DON'T GET NOTIFIED IN TIME TO CURE THEIR MAIL 7 BALLOT IN ORDER FOR THEIR BALLOT TO COUNT; IS THAT 8 RIGHT? 9 A. YEAH, ESPECIALLY IF THEY TURN IT IN NEAR THE END, 10 YOU KNOW, THE LAST DAY OF EARLY VOTING, THEN, YES, IT'S 11 GOING TO BE TOUGH. 12 MS. YUN: I THINK I AM ALMOST DONE. I JUST 13 WANT TO TAKE A QUICK BREAK. 14 THE REPORTER: THE TIME IS 11:58 A.M. WE 15 ARE OFF THE RECORD. 16 (OFF THE RECORD.) 17 THE REPORTER: THE TIME IS 12:05 P.M. WE 18 ARE BACK ON THE RECORD. 19 MS. YUN: OKAY. JUST FOR THE RECORD, SO 20 WE'RE GOING TO MARK THE ABBM FORM THAT MR. PHILLIPS 21 LOOKED AT AS EXHIBIT 8. AND THEN THE CARRIER ENVELOPE 22 THAT HE LOOKED AT TO REFRESH HIS RECOLLECTION AS EXHIBIT 23 NO. 9. 24 (EXHIBITS 8 AND 9 MARKED.) 25 Q. (BY MS. YUN) SO JUST TO WRAP UP, IS THERE</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. HAVE VOTERS CONVEYED TO YOU CONCERNs ABOUT MAIL 2 BALLOT VOTER FRAUD SPECIFICALLY? 3 A. YES. 4 Q. IN YOUR EXPERIENCE, DOES VOTERS' PERCEPTION THAT 5 VOTER FRAUD, INCLUDING MAIL BALLOT VOTING FRAUD, EXISTS 6 UNDERMINE THEIR CONFIDENCE IN ELECTION RESULTS? 7 A. ABSOLUTELY. 8 Q. IN YOUR EXPERIENCE, DOES VOTERS' PERCEPTION THAT 9 VOTER FRAUD, INCLUDING MAIL VOTER FRAUD, EXISTS 10 UNDERMINE THEIR TRUST IN THE ELECTORAL PROCESS? 11 A. YES. 12 Q. HAVE YOU SEEN AN INCREASE IN THE LACK OF TRUST IN 13 THE ELECTORAL PROCESS OVER THE LAST FEW YEARS? 14 A. WITHOUT A DOUBT. 15 Q. DO YOU RECALL TALKING WITH COUNSEL ABOUT HOW THE 16 SB 1 ID REQUIREMENT FOR MAIL-IN BALLOTS ADDED ANOTHER 17 LAYER OF PROTECTION? 18 A. YES. 19 Q. WHAT DID YOU MEAN BY THAT? 20 A. I BELIEVE WE WERE TALKING ABOUT PRIOR TO SB 1 AND 21 THE ID REQUIREMENTS, YOU KNOW, HAD WE DISCOVERED ANY 22 MAIL FRAUD. AND THE ANSWER WAS NO. BUT, IN MY MIND, 23 THAT DOESN'T MEAN YOU DON'T ADD ANOTHER SECURITY -- 24 ANOTHER LEVEL OF SECURITY, ESPECIALLY WHEN IT COMES TO 25 WHAT YOU WERE JUST TALKING ABOUT, ABOUT THE PERCEPTION</p>

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<p style="text-align: right;">Page 98</p> <p>1 OF THE INTEGRITY OF THE VOTING PROCESS. AND ANYTHING WE 2 CAN DO TO STRENGTHEN THE INTEGRITY OF THE VOTING PROCESS 3 OR EVEN THE APPEARANCE OF IT I'M FOR. 4 Q. BASED ON YOUR EXPERIENCE, HAD SB 1'S MAIL BALLOT 5 ID REQUIREMENTS BEEN IN PLACE IN 2020, WOULD IT HAVE 6 HELPED YOU IDENTIFY THE MAIL VOTING FRAUD INITIATED BY 7 THE CARROLLTON MAYORAL CANDIDATE? 8 A. I THINK IT WOULD HAVE HELPED IDENTIFY IT, BECAUSE 9 HE WOULD HAVE HAD A MUCH HARDER TIME SUBMITTING THAT 10 MANY APPLICATIONS THAT COULD HAVE POTENTIALLY MADE IT 11 THROUGH THE PROCESS. I THINK IT WOULD HAVE BEEN MUCH 12 HARDER FOR HIM TO SUCCESSFULLY SEND APPLICATIONS THROUGH 13 THE PROCESS. 14 Q. I WANT TO TURN BACK TO EXHIBIT 1 THAT WAS 15 INTRODUCED BY THE UNITED STATES. 16 A. OKAY. 17 Q. DO YOU HAVE THAT EXHIBIT IN FRONT OF YOU? 18 A. I DO. 19 Q. PLEASE TURN TO PAGE 2. 20 A. OKAY. 21 Q. CAN YOU PLEASE READ OUT LOUD THE PARAGRAPH JUST 22 BEFORE THE PICTURE. 23 A. "INVESTIGATORS MADE CONTACT WITH THE CARROLLTON 24 RESIDENTS WHOSE BALLOTS HAD BEEN REQUESTED AND LEARNED 25 THE RESIDENTS TOLD THEM THAT THEY HAD NOT REQUESTED ANY</p>	<p style="text-align: right;">Page 100</p> <p>1 SO THEY WERE TIED, SO THAT LEFT THEM THE OPPORTUNITY FOR 2 ONE OF THEM TO ASK FOR A RECOUNT. 3 WE CAN LOOK AT OUR RESULTS AND SEE THAT EVEN 4 THOUGH THEY WERE TIED, THERE WAS A PERSON WHO SUBMITTED 5 A BALLOT THAT DIDN'T VOTE. SO IT WAS UNDERSAMPLE -- OR 6 OVERVOTE -- I'M SORRY. IT WAS NOT AN UNDERSAMPLE. IT WAS 7 AN OVERVOTE, MEANING ON THEIR BALLOT, THEY HAD SOMEHOW 8 MARKED THE BALLOT THAT MADE THE SCAN THINK THIS PERSON 9 HAD VOTED FOR BOTH CANDIDATES. 10 SO WE TOLD BOTH THE CANDIDATES THAT THEY COULD 11 HAVE AN OPTION OF REQUESTING A RECOUNT. "IF ONE OF YOU 12 REQUESTS A RECOUNT, WE CAN FIND THAT OVERVOTE. AND 13 UNDER THE TEXAS ELECTION CODE, DURING A RECOUNT, IF YOU 14 CAN LOOK AT AN OVERVOTE AND MAKE THE VOTER'S INTENT 15 DETERMINATION, THEN THAT VOTE CAN BE AWARDED TO A 16 CANDIDATE. SO POTENTIALLY, WITHOUT HAVING TO GO TO A 17 NEW ELECTION, WE CAN SOLVE THIS." 18 NEITHER ONE OF THEM WANTED TO, I GUESS, RISK 19 GOING FOR IT. SO WE ENDED UP HAVING A SECOND ELECTION, 20 WHICH WAS DECIDED BY THREE VOTES. 21 Q. BASED IN YOUR EXPERIENCE, IN THE CASE OF A CLOSE 22 ELECTION AS THE ONE YOU JUST DESCRIBED, IS IT MORE 23 LIKELY THAN OTHER ELECTIONS THAT VOTER FRAUD COULD 24 CHANGE THE OUTCOME OF THE ELECTION? 25 A. ABSOLUTELY, JUST BASED ON THE NUMBERS.</p>
<p style="text-align: right;">Page 99</p> <p>1 BALLOTS BE MAILED TO THE P.O. BOX, THE SHERIFF'S OFFICE 2 SAID." 3 Q. THANK YOU. CAN YOU PLEASE READ THE PARAGRAPH 4 IMMEDIATELY FOLLOWING THE PHOTO. 5 A. "THESE INDIVIDUALS IN CARROLLTON, IF THIS GUY 6 HAD BEEN SUCCESSFUL, THEY COULD HAVE SHOWN UP ON 7 ELECTION DAY AND BEEN DENIED THEIR RIGHT TO VOTE BECAUSE 8 IT WOULD HAVE SHOWN THAT THEY'D ALREADY VOTED," SAID 9 DENTON COUNTY SHERIFF TRACY MURPHREE." 10 Q. BASED ON YOUR EXPERIENCE IN THE ELECTIONS OFFICE 11 AND YOUR UNDERSTANDING OF TEXAS ELECTION LAW, WAS THE 12 DENTON COUNTY SHERIFF CORRECT THAT IF THIS GUY HAD BEEN 13 SUCCESSFUL, VOTERS COULD HAVE BEEN DENIED THEIR RIGHT TO 14 VOTE? 15 A. ABSOLUTELY. 16 Q. CAN INCIDENTS OF VOTER FRAUD DENY VOTERS THEIR 17 RIGHT TO VOTE? 18 A. YES. 19 Q. ARE YOU AWARE OF ANY ELECTION DECIDED BY A 20 HANDFUL OF VOTES? 21 A. OH, YES. 22 Q. CAN YOU PERHAPS GIVE ME AN EXAMPLE? 23 A. YES. IN NOVEMBER, WE HAD A CITY THAT HAD -- THE 24 CITY OF PILOT POINT HAD A MAYORAL RACE. AND AT THE END 25 OF THE ELECTION, THEY WERE -- THEY WERE TIED. AND WE --</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. AND IS THAT TRUE EVEN IF VOTER FRAUD ONLY HAPPENS 2 ON OCCASION AS OPPOSED TO SYSTEMATICALLY? 3 A. YES. 4 Q. DO YOU RECALL DISCUSSING WITH COUNSEL THE 5 DIFFERENT POSSIBLE REASONS FOR A MISMATCH WITH RESPECT 6 TO THE ID REQUIREMENT? 7 A. YES. 8 Q. AND DO YOU RECALL THAT THAT DISCUSSION TALKED 9 ABOUT VOTERS WHO FAILED TO PUT AN ID NUMBER DOWN, PUT 10 THE -- PUT A TYPO OR TRANPOSED NUMBERS ON THEIR 11 APPLICATION OR BALLOT OR HAD A TRANPOSED NUMBER INSIDE 12 THE SYSTEM? 13 A. YES. 14 Q. WERE THERE FEWER INSTANCES OF THAT IN THE 15 NOVEMBER ELECTION AS COMPARED TO THE MARCH PRIMARY? AND 16 I CAN REPHRASE IF YOU NEED ME TO. 17 A. NO. I BELIEVE THE ANSWER TO THAT IS YES, BECAUSE 18 THERE WAS A MUCH HIGHER REJECTION RATE. SO I WOULD SAY 19 YES. 20 Q. DID YOU OBSERVE FEWER DATABASE ERRORS WHERE THE 21 REGISTRATION RECORD HAD THE WRONG NUMBER? 22 A. YES. 23 Q. DID YOU OBSERVE FEWER INSTANCES OF VOTERS HAVING 24 A TEXAS ID, BUT NOT THEIR SSN IN THEIR SYSTEM OR 25 VICE-VERSA? IN OTHER WORDS -- DO YOU NEED A</p>

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<p>1 CLARIFICATION?</p> <p>2 A. NO. THEY PRESENTED A NUMBER THAT WE DIDN'T HAVE.</p> <p>3 Q. THAT'S CORRECT.</p> <p>4 A. I CAN'T SAY DEFINITIVELY ON THAT ONE.</p> <p>5 Q. OKAY. WHEN A BALLOT ARRIVES TO YOUR OFFICE, DOES</p> <p>6 THE DENTON COUNTY ELECTIONS OFFICE USE THE ID NUMBER,</p> <p>7 WHETHER IT BE THE SOCIAL SECURITY NUMBER OR TEXAS ID</p> <p>8 NUMBER, TO CONFIRM THE VOTER'S IDENTITY?</p> <p>9 A. WE DO.</p> <p>10 Q. DO YOU REMEMBER TALKING ABOUT YOUR EFFORTS TO</p> <p>11 EDUCATE VOTERS ABOUT THE ID REQUIREMENT?</p> <p>12 A. YES.</p> <p>13 Q. WOULD YOU CONSIDER YOUR EFFORTS TO EDUCATE VOTERS</p> <p>14 ABOUT THE ID REQUIREMENT SUCCESSFUL?</p> <p>15 A. YES.</p> <p>16 Q. WERE YOU ABLE TO REDUCE THE REJECTION RATE FROM</p> <p>17 THE MARCH PRIMARY TO THE NOVEMBER ELECTION?</p> <p>18 A. YES.</p> <p>19 Q. DO YOU RECALL WHAT THE REJECTION RATE IN NOVEMBER</p> <p>20 WAS?</p> <p>21 A. I BELIEVE -- IT WAS A PRIMARY, WAS IT NOT?</p> <p>22 Q. THIS DOCUMENT IS, YES.</p> <p>23 A. I DON'T REMEMBER THE EXACT NUMBER IN NOVEMBER.</p> <p>24 Q. DO YOU RECALL WHERE IT ROUGHLY FELL?</p> <p>25 A. I'M GOING TO SAY ROUGHLY IN THE 8 TO 10 PERCENT</p>	<p>Page 102</p> <p>1 Q. (BY MS. HUNKER) LET'S TAKE A LOOK AT DENTON</p> <p>2 COUNTY.</p> <p>3 MS. YUN: COUNSEL, COULD YOU CLARIFY ON THE</p> <p>4 RECORD, WHERE THE REJECTION RATE DOCUMENT CAME FROM?</p> <p>5 MS. HUNKER: THIS WAS PROVIDED BY THE</p> <p>6 SECRETARY OF STATE'S OFFICE AND PRODUCED I BELIEVE IN</p> <p>7 NOVEMBER.</p> <p>8 MS. YUN: OKAY. THANK YOU.</p> <p>9 MS. HUNKER: I BELIEVE NOVEMBER OR DECEMBER.</p> <p>10 Q. (BY MS. HUNKER) DO YOU SEE WHERE IT SAYS DENTON</p> <p>11 COUNTY?</p> <p>12 A. I DO.</p> <p>13 Q. CAN YOU PLEASE TELL ME WHAT THE REJECTION RATE IS</p> <p>14 STATED ON THE SPREADSHEET?</p> <p>15 A. 1.66 PERCENT.</p> <p>16 Q. AND DOES THAT REFRESH YOUR RECOLLECTION?</p> <p>17 A. IT DOES. BEFORE I WAS JUST GENERALLY SPEAKING</p> <p>18 OFF OF A GUT FEELING, BUT THIS MAKES MORE SENSE.</p> <p>19 Q. IS 1.66 PERCENT COMPARABLE TO PREVIOUS</p> <p>20 ELECTIONS -- GENERAL ELECTIONS AT YOUR OFFICES?</p> <p>21 A. I WOULD DEFINITELY SAY YES.</p> <p>22 Q. ARE YOU AWARE OF ANY ELECTION WHERE THE REJECTION</p> <p>23 RATE WAS ZERO PERCENT?</p> <p>24 A. NO.</p> <p>25 Q. IF SB 1 WAS ENJOINED OR REPEALED, WOULD THE NEXT</p>
<p>1 RANGE. ROUGHLY. AND THAT COULD BE HIGH.</p> <p>2 MS. HUNKER: CAN WE GO OFF THE RECORD FOR A</p> <p>3 MOMENT?</p> <p>4 MS. YUN: SURE.</p> <p>5 THE REPORTER: OFF THE RECORD AT 12:17 P.M.</p> <p>6 (OFF THE RECORD.)</p> <p>7 THE REPORTER: THE TIME IS 12:19 P.M. WE</p> <p>8 ARE BACK ON THE RECORD.</p> <p>9 Q. (BY MS. HUNKER) MR. PHILLIPS, YOU MENTIONED YOU</p> <p>10 WERE NOT SURE ABOUT THE REJECTION RATE FOR THE GENERAL</p> <p>11 ELECTION, CORRECT?</p> <p>12 A. CORRECT.</p> <p>13 Q. I'M GOING TO REFRESH YOUR RECOLLECTION -- OR SEE</p> <p>14 IF SOMETHING WOULD REFRESH YOUR RECOLLECTION.</p> <p>15 CAN YOU PLEASE DESCRIBE WHAT YOU ARE SEEING ON MY</p> <p>16 COMPUTER SCREEN.</p> <p>17 A. IT'S AN EXCEL SPREADSHEET THAT HAS THE NOVEMBER</p> <p>18 GENERAL ELECTION REJECTION RATES --</p> <p>19 Q. OKAY.</p> <p>20 A. -- BY COUNTY.</p> <p>21 MS. HUNKER: AND I'M GOING TO REPRESENT, FOR</p> <p>22 THE CLARITY OF THE RECORD, THAT THIS IS THE REJECTION</p> <p>23 RATE SPREADSHEET THAT WAS PRODUCED BY THE STATE</p> <p>24 DEFENDANTS AND WILL BE SENT TO THE COURT REPORTER FOR</p> <p>25 HER TO INCLUDE IN THE TRANSCRIPT.</p>	<p>Page 103</p> <p>1 ELECTION HAVE A REJECTION RATE OF ZERO PERCENT?</p> <p>2 A. NO.</p> <p>3 Q. WERE VOTERS ABLE TO CURE BALLOT DEFECTS BEFORE</p> <p>4 SB 1?</p> <p>5 A. NOT IN THE SAME MANNER. I MEAN, WE -- IF SOMEONE</p> <p>6 LEFT A SIGNATURE OFF, WE WOULD CONTACT THEM TO SEE IF WE</p> <p>7 COULD GET THEM TO FIX THEM. BUT IT WAS CODIFIED IN THE</p> <p>8 SAME MANNER.</p> <p>9 Q. WAS THERE ANY ESTABLISHED PROCESS THAT THE STATE</p> <p>10 PROVIDED FOR A CURE PRIOR TO SB 1?</p> <p>11 A. I DON'T REMEMBER WHAT IT WAS.</p> <p>12 Q. ARE THERE OTHER DEFECTS BESIDES ID -- LET ME</p> <p>13 REPHRASE THAT QUESTION.</p> <p>14 CAN OTHER DEFECTS BESIDES FAILING TO PUT YOUR ID</p> <p>15 NUMBER OR HAVING AN ID MISMATCH BE CURED THROUGH THE</p> <p>16 CURE PROCESS PROVIDED BY SB 1?</p> <p>17 A. SURE. SIGNATURES, MISMATCHED SIGNATURES, NO</p> <p>18 SIGNATURES, THINGS LIKE THAT.</p> <p>19 Q. HAD VOTERS UTILIZED THAT CURE PROCESS FOR DEFECTS</p> <p>20 OTHER THAN FAILING TO PUT THEIR ID OR HAVING A</p> <p>21 MISMATCHED ID NUMBER?</p> <p>22 A. YES.</p> <p>23 Q. DO YOU RECALL TALKING TO COUNSEL ABOUT THE PERSON</p> <p>24 YOU ADDED FOR THE CURE PROCESS?</p> <p>25 A. YES.</p>

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<p style="text-align: right;">Page 106</p> <p>1 Q. THAT EMPLOYEE, DOES SHE HANDLE CURES OF BALLOTS 2 WITH DEFECTS OTHER THAN ID NUMBER REQUIREMENTS? 3 A. YES. 4 Q. DO YOU RECALL TALKING TO COUNSEL ABOUT HOW 5 SOMETIMES NOTICE OF DEFECT ARRIVES TOO LATE FOR THE 6 VOTER TO CURE? 7 A. YES. 8 Q. WOULD THAT BE TRUE OF VOTERS WHOSE BALLOTS WERE 9 REJECTED FOR REASONS OTHER THAN A MAIL ID NUMBER 10 REQUIREMENT? 11 A. YES. 12 Q. WOULD THAT BE TRUE OF VOTERS WHOSE BALLOTS WERE 13 REJECTED FOR REASONS OTHER THAN THE MAIL ID NUMBER 14 REQUIREMENT BEFORE SB 1? 15 A. YES. 16 Q. FOR SOME VOTERS WHO DECIDE TO VOTE BY MAIL, IN 17 YOUR EXPERIENCE, ARE THEY EQUALLY ABLE TO ACCESS VOTING 18 IN PERSON? 19 A. REPEAT IT ONE MORE TIME. 20 Q. SURE. 21 IN YOUR EXPERIENCE, FOR AT LEAST SOME VOTERS WHO 22 VOTE BY MAIL, ARE THEY ABLE TO EQUALLY ACCESS VOTING IN 23 PERSON? 24 A. YES. 25 Q. DOES DENTON COUNTY GIVE VOTERS IN DENTON COUNTY</p>	<p style="text-align: right;">Page 108</p> <p>1 A. CORRECT. 2 Q. SO THOSE VOTERS WOULD NOT HAVE HAD ANY 3 OPPORTUNITY TO -- THOSE VOTERS WOULD NOT HAVE 4 EXPERIENCED ANY ID REQUIREMENT PRIOR TO THAT; IS THAT 5 RIGHT? 6 A. CORRECT. 7 Q. AND DO YOU HAVE ANY REASON TO BELIEVE THAT THOSE 8 VOTERS WOULD HAVE LESS DIFFICULT TIMES GOING FORWARD 9 WITH THE ID NUMBER REQUIREMENTS? 10 A. I MEAN, I WOULD SAY YES BECAUSE IT'S -- IT'S OUT 11 IN THE COMMON ARENA NOW, YOU KNOW. WHEN IT FIRST 12 STARTED, IT WAS NEW TO EVERYBODY. AND NOW THERE'S BEEN 13 SO MUCH DISCUSSION ABOUT IT THAT IT'S NOT ONLY US THAT 14 EDUCATE PEOPLE ON IT. THE POLITICAL PARTIES EDUCATE 15 PEOPLE ON IT. SO YEAH, I THINK THEY'LL HAVE A LESS 16 DIFFICULT TIME. 17 Q. AND WE TALKED -- YOU TALKED BRIEFLY WITH 18 MRS. HUNKER ABOUT VOTERS LOSING TRUST IN THE INTEGRITY 19 OF THE ELECTORAL SYSTEM. 20 WHAT IS YOUR -- WHAT IS THE BASIS FOR YOUR 21 STATEMENT THAT YOU BELIEVE THAT THAT IS THE CASE? 22 A. SO -- OKAY. FROM 2009 TO 2016, WE RARELY HEARD 23 ANYTHING THAT QUESTIONED THE INTEGRITY OF THE SYSTEM. 24 2016, THE QUESTIONING BEGAN. AND IT WAS AMPLIFIED IN 25 2020, SO MUCH SO THAT I SPEND PROBABLY THE MAJORITY OF</p>
<p style="text-align: right;">Page 107</p> <p>1 AMPLE OPPORTUNITIES TO VOTE IN PERSON? 2 A. YES. 3 Q. IN YOUR EXPERIENCE, DID VOTERS EXHIBIT LESS 4 CONFUSION ABOUT SB 1'S MAIL-IN VOTING REQUIREMENT IN 5 NOVEMBER OF 2022 COMPARED TO THE MARCH PRIMARY? 6 A. YES. 7 Q. IN YOUR EXPERIENCE, IS THERE ALWAYS A LEARNING 8 CURVE WHEN NEW VOTING REQUIREMENTS ARE INTRODUCED? 9 A. ABSOLUTELY. 10 Q. DO YOU EXPECT THE TREND TO CONTINUE OF VOTERS 11 HAVING LESS CONFUSION ABOUT SB 1'S MAIL-IN VOTING 12 REQUIREMENTS? 13 A. YES. 14 MS. HUNKER: NO FURTHER QUESTIONS. I PASS 15 THE WITNESS. 16 FURTHER EXAMINATION 17 BY MS. YUN: 18 Q. JUST A FEW FOLLOW-UP QUESTIONS BASED ON WHAT YOU 19 JUST TESTIFIED. 20 YOU JUST TESTIFIED THAT YOU BELIEVE THAT THERE 21 WILL BE LESS CONFUSION GOING FORWARD ABOUT ID NUMBER 22 REQUIREMENTS. 23 SO FOR EACH ELECTION, THERE WILL BE NEW VOTERS 24 WHO QUALIFY TO VOTE BY MAIL FOR THE FIRST TIME; IS THAT 25 RIGHT?</p>	<p style="text-align: right;">Page 109</p> <p>1 MY TIME NOW DEBUNKING CONSPIRACY THEORIES OR ANSWERING 2 PUBLIC INFORMATION REQUESTS RELATED TO CONSPIRACY 3 THEORIES. SO THAT'S WHAT I BASE THAT ON, IS HOW MUCH 4 TIME I SPEND ON THOSE MATTERS NOW VERSUS WHAT I USED TO. 5 Q. OAK. AND ARE THOSE CONCERN RELATED TO ANYTHING 6 THAT HAPPENED IN DENTON COUNTY OR IN TARRANT COUNTY 7 WHILE YOU WERE WORKING THERE? 8 MS. HUNKER: OBJECTION; FORM. 9 A. I MEAN, NOT NECESSARILY. I MEAN, I THINK THEY'RE 10 -- THEY TEND TO COME MORE FROM A NATIONAL PERSPECTIVE. 11 Q. (BY MS. YUN) OKAY. DID THE IMPLEMENTATION OF 12 SB 1'S ID REQUIREMENTS DO ANYTHING TO THOSE -- THE 13 AMOUNT OF THE CONSPIRACY THEORIES OR OTHER 14 MISINFORMATION OUT THERE ABOUT THE INTEGRITY OF THE 15 SYSTEM? 16 MS. HUNKER: OBJECTION; FORM. 17 A. I THINK IT MAY HAVE SLIGHTLY LESSENED THE 18 CONSPIRACY THEORIES AROUND MAIL BALLOTS. THERE'S 19 CERTAINLY BEEN NOTHING ABOUT VOTING SYSTEMS, THE 20 CONSPIRACY THEORIES SURROUNDING VOTING SYSTEMS. 21 Q. (BY MS. YUN) DID YOUR OFFICE IN DENTON COUNTY OR 22 TARRANT COUNTY WHEN YOU WERE THERE DO ANYTHING TO 23 ADDRESS THIS LOSS IN -- LOSS OF TRUST IN THE ELECTORAL 24 PROCESS? 25 A. WE HAVE. I MEAN, WE'VE -- I'VE MET WITH THESE</p>

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<p style="text-align: right;">Page 110</p> <p>1 GROUPS TO ADDRESS THEIR CONCERNS. I'VE INVITED PEOPLE 2 TO OUR OFFICE TO SHOW THEM HOW THINGS REALLY WORK VERSUS 3 HOW THEY THINK THEY WORK. AND I'VE DONE THAT AS 4 RECENTLY AS YESTERDAY.</p> <p>5 Q. ARE THESE CONCERNS THAT YOU'VE BEEN -- YOU'RE NOW 6 SPENDING THE MAJORITY OF YOUR TIME ADDRESSING, ARE THESE 7 SPECIFICALLY ABOUT -- HOW MUCH OF IT IS ABOUT MAIL 8 VOTING VERSUS SOMETHING ELSE?</p> <p>9 A. IT'S PROBABLY 10 PERCENT MAIL VOTING, 90 PERCENT 10 VOTING SYSTEM.</p> <p>11 Q. AND DO YOU BELIEVE THAT THE ID REQUIREMENTS FROM 12 SB 1 ADDRESS THOSE CONCERNS?</p> <p>13 MS. HUNKER: OBJECTION; FORM.</p> <p>14 Q. (BY MS. YUN) THE 10 PERCENT CONCERNS.</p> <p>15 A. I THINK THEY HELP. BUT TOTALLY, NO. I DON'T 16 THINK ANYTHING YOU DO WILL TOTALLY CONVINCE SOME PEOPLE.</p> <p>17 Q. SO IF YOU WERE TO SORT OF QUANTIFY HOW MUCH IT 18 HELPS, WHAT WOULD YOU SAY?</p> <p>19 MS. HUNKER: OBJECTION; FORM.</p> <p>20 A. I MEAN, THAT'S -- OF THE 10 PERCENT THAT'S A BAD 21 MAIL BALLOTS, IT PROBABLY HELPS HALF OF THOSE PEOPLE 22 MAYBE.</p> <p>23 Q. (BY MS. YUN) SO DO YOU -- SO YOU TELL THESE 24 FOLKS ABOUT THE MAIL BALLOT -- THE MAIL VOTING ID 25 REQUIREMENTS?</p>	<p style="text-align: right;">Page 112</p> <p>1 THAT WHAT --</p> <p>2 Q. SIMPLE TO SATISFY OTHER VOTERS' CONCERN ABOUT THE 3 INTEGRITY OF THE SYSTEM.</p> <p>4 MS. HUNKER: OBJECTION; FORM.</p> <p>5 A. I MEAN, HONESTLY, THAT'S A LITTLE BROAD. BUT I 6 THINK, SURE, THERE WOULD BE SOME THINGS I WOULD NOT 7 AGREE WITH. I'M SURE SOMEBODY COULD THINK OF SOMETHING 8 I WOULDNT AGREE WITH TO REJECT -- IF I UNDERSTAND WHAT 9 YOU'RE ASKING.</p> <p>10 Q. (BY MS. YUN) YEAH. I GUESS I'M TALKING A LITTLE 11 BIT MORE GENERALLY THAT -- WHETHER IT WOULD BE -- YOU 12 WOULD BE IN FAVOR OF A POLICY OR A MEASURE THAT REJECTS 13 VALID VOTES THAT IS IMPLEMENTED SIMPLY IN ORDER TO ALLAY 14 CONCERNS ABOUT THE INTEGRITY OF THE VOTING PROCESS.</p> <p>15 MS. HUNKER: OBJECTION; FORM.</p> <p>16 A. YEAH. I MEAN, MY GUT REACTION IS I WOULDNT BE 17 FOR THAT, BUT IT'S HARD TO SAY WITH THAT SPECIFIC 18 EXAMPLE.</p> <p>19 Q. (BY MS. YUN) SURE.</p> <p>20 WOULD YOU AGREE -- WOULD IT BE A FAIR STATEMENT 21 OR WOULD YOU AGREE WITH THE STATEMENT THAT SAYS IT'S A 22 BALANCING THAT YOU WOULD CONSIDER WHETHER A MEASURE HAS 23 NEGATIVE IMPACTS ON VALID VOTES VERSUS THE STRENGTHENING 24 OF VOTERS' FAITH IN THE SYSTEM?</p> <p>25 MS. HUNKER: OBJECTION; FORM.</p>
<p style="text-align: right;">Page 111</p> <p>1 A. I DO.</p> <p>2 Q. AND YOU'D SAY HALF OF THOSE VOTERS WOULD SAY 3 LIKE, "OH, OKAY. THAT WOULD PROBABLY -- THAT ALLAYS MY 4 CONCERN"?</p> <p>5 A. IT'S JUST A GUESS. I MEAN, THEY PROBABLY DON'T 6 RELAY THAT IN THE MANNER YOU JUST DID. IT'S JUST -- 7 IT'S JUST A GUESS.</p> <p>8 Q. OKAY. SO YOU TESTIFIED EARLIER, I BELIEVE -- AND 9 CORRECT ME IF I'M WRONG -- THAT THERE'S SOME MEASURES 10 THAT -- THAT WE SHOULD IMPLEMENT MEASURES THAT 11 STRENGTHEN VOTERS' CONFIDENCE IN THE SYSTEM.</p> <p>12 IS THAT -- DO YOU RECALL THAT?</p> <p>13 A. I DO.</p> <p>14 Q. YEAH.</p> <p>15 IS THERE ANY LIMIT TO WHAT YOU WOULD DO TO 16 STRENGTHEN VOTERS' CONFIDENCE IN THE INTEGRITY OF THE 17 SYSTEM?</p> <p>18 A. I'M SURE THERE IS, BUT I DON'T KNOW WHAT THAT 19 WOULD BE, THE SPECIFIC EXAMPLE.</p> <p>20 Q. SURE.</p> <p>21 WOULD YOU BE COMFORTABLE -- OR WOULD YOU BE IN 22 FAVOR OF IMPLEMENTING MEASURES THAT REJECT BALLOT VOTES 23 IN ORDER TO SIMPLY SATISFY SOME VOTERS' CONCERNS ABOUT 24 THE INTEGRITY OF THE SYSTEM?</p> <p>25 A. I MEAN, SIMPLY TO SATISFY SOMEBODY'S DESIRE? IS</p>	<p style="text-align: right;">Page 113</p> <p>1 A. I THINK THAT'S FAIR. IT IS A BALANCE. SO YOU'VE 2 GOT -- NOT ME, THE LEGISLATURE HAS TO PICK THEIR -- YOU 3 KNOW, WHAT THEY THINK IS A FAIR BALANCE.</p> <p>4 Q. (BY MS. YUN) YOU SPOKE WITH MS. HUNKER ABOUT 5 VERY CLOSE ELECTIONS THAT YOU HAVE OVERSEEN.</p> <p>6 A. UH-HUH.</p> <p>7 Q. AND REJECTING A VALID VOTE CAN ALSO IMPACT THE 8 OUTCOME OF SUCH CLOSE ELECTIONS; RIGHT?</p> <p>9 A. CORRECT.</p> <p>10 Q. SO, FOR EXAMPLE, IF A BALLOT WHOSE ID NUMBER DID 11 NOT MATCH THE VOTER REGISTRATION RECORD, BUT IT IS A 12 VALID ID NUMBER AND IF THAT VOTE DID NOT COUNT, THE FACT 13 THAT IT DID NOT COUNT WOULD IMPACT A VERY CLOSE 14 ELECTION, CORRECT?</p> <p>15 MS. HUNKER: OBJECTION; FORM, INCOMPLETE 16 HYPOTHETICAL.</p> <p>17 A. YES.</p> <p>18 MS. YUN: OKAY. JUST A SECOND.</p> <p>19 I THINK THAT'S IT. DID YOU HAVE ANY?</p> <p>20 MS. HUNKER: YEAH, JUST A VERY SMALL NUMBER.</p> <p>21 MS. YUN: OKAY.</p> <p>22 FURTHER EXAMINATION</p> <p>23 BY MS. HUNKER:</p> <p>24 Q. HAS SB 1 REDUCED CONCERNS AMONG VOTERS ABOUT MAIL 25 VOTING FRAUD?</p>

Frank Phillips

March 31, 2023
Pages 114 to 117

<p style="text-align: right;">Page 114</p> <p>1 A. I WOULD SAY YES.</p> <p>2 Q. DO YOU RECALL EARLY IN THE DEPOSITION MENTIONING</p> <p>3 THAT YOU THOUGHT THAT MAIL VOTING WAS VULNERABLE TO</p> <p>4 FRAUD?</p> <p>5 A. YES.</p> <p>6 Q. HOW IS MAIL VOTING VULNERABLE TO FRAUD?</p> <p>7 A. BECAUSE IN ANY OTHER TYPE OF VOTING, THAT BALLOT</p> <p>8 REMAINS UNDER OUR CONTROL, EITHER OUR CONTROL AT THE</p> <p>9 OFFICE OR THE POLL WORKERS' CONTROL OUT IN THE FIELD.</p> <p>10 THAT DOESN'T HAPPEN WITH MAIL BALLOTS. ONCE THAT</p> <p>11 BALLOT IS MAILED, I DON'T KNOW WHAT HAPPENS TO IT. I</p> <p>12 DON'T KNOW WHO RECEIVES IT, WHO INTERCEPTS IT, WHO GOT</p> <p>13 IT OUT OF A MAILBOX. AND SO THAT'S WHY I SAY IT'S</p> <p>14 SUSCEPTIBLE.</p> <p>15 SO THERE HAS TO BE A WAY OF DETERMINING WHEN IT</p> <p>16 COMES BACK THAT THE PERSON WHO GOT THE BALLOT AND</p> <p>17 RETURNED IT IS THE PERSON WHO IT WAS MEANT TO GO TO.</p> <p>18 MS. YUN: I WILL JUST NOTE THAT IT'S OUTSIDE</p> <p>19 THE SCOPE OF THE REDIRECT, BUT KEEP GOING.</p> <p>20 Q. (BY MS. HUNKER) IN YOUR OPINION, DOES SB 1</p> <p>21 ADDRESS THAT VULNERABILITY OR SUSCEPTIBILITY?</p> <p>22 MS. YUN: SAME OBJECTION.</p> <p>23 A. YES, IT DEFINITELY HELPS.</p> <p>24 MS. HUNKER: NO FURTHER QUESTIONS.</p> <p>25 MS. YUN: OKAY.</p>	<p style="text-align: right;">Page 116</p> <p>1 C H A N G E S A N D S I G N A T U R E</p> <p>2 WITNESS NAME: FRANK PHILLIPS</p> <p>3 DATE OF DEPOSITION: MARCH 31, 2023</p> <p>4</p> <p>5 PLEASE INDICATE CHANGES ON THIS SHEET OF PAPER,</p> <p>6 GIVING THE CHANGE, PAGE NUMBER, LINE NUMBER, AND REASON</p> <p>7 FOR THE CHANGE. PLEASE SIGN EACH PAGE OF CHANGES.</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>
<p style="text-align: right;">Page 115</p> <p>1 THE REPORTER: ARE WE DONE?</p> <p>2 MS. YUN: YES.</p> <p>3 THE REPORTER: IS ANYONE REQUESTING A COPY</p> <p>4 OF THE TRANSCRIPT?</p> <p>5 MS. YUN: YES.</p> <p>6 AND, COUNSEL, I'LL JUST REQUEST THAT YOU</p> <p>7 COPY ME WHEN YOU E-MAIL THE EXHIBIT.</p> <p>8 THE REPORTER: NO ONE ONLINE -- OR THROUGH</p> <p>9 ZOOM?</p> <p>10 MR. KENNY: THIS IS STEPHEN KENNY. I'D LIKE</p> <p>11 TO REQUEST A COPY OF THE TRANSCRIPT, PLEASE.</p> <p>12 MR. D'ANGELO: THIS IS WILLIAM D'ANGELO ALSO</p> <p>13 REQUESTING A COPY OF THE TRANSCRIPT.</p> <p>14 THE REPORTER: THE TIME IS NOW 12:40. THIS</p> <p>15 CONCLUDES OUR DEPOSITION FOR TODAY.</p> <p>16</p> <p>17</p> <p>18 (DEPOSITION CONCLUDED AT 12:40 P.M.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 117</p> <p>1 J U R A T</p> <p>2 I, _____, HAVE READ THE FOREGOING</p> <p>3 DEPOSITION AND HEREBY AFFIX MY SIGNATURE THAT SAME IS</p> <p>4 TRUE AND CORRECT, EXCEPT AS NOTED ABOVE;</p> <p>5</p> <p>6</p> <p>7 FRANK PHILLIPS</p> <p>8</p> <p>9 THE STATE OF TEXAS)</p> <p>10 COUNTY OF DALLAS)</p> <p>11</p> <p>12 BEFORE ME, _____, ON THIS DAY</p> <p>13 PERSONALLY APPEARED _____, KNOWN TO ME OR</p> <p>14 PROVED TO ME UNDER OATH OR THROUGH IDENTITY CARD OR</p> <p>15 OTHER DOCUMENT TO BE THE PERSON WHOSE NAME IS SUBSCRIBED</p> <p>16 TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT</p> <p>17 THEY EXECUTED THE SAME OF THE PURPOSES AND CONSIDERATION</p> <p>18 THEREIN EXPRESSED.</p> <p>19 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____</p> <p>20 DAY OF _____, 2023.</p> <p>21</p> <p>22</p> <p>23 NOTARY PUBLIC IN AND FOR</p> <p>24 THE STATE OF TEXAS</p> <p>25</p>

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

§
§
§
§
§

v.

Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

§
§

STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX S

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

§
§
§

v.

§ Case No. 5:21-cv-844-XR
§
§

GREGORY W. ABBOTT, et al.,
Defendants.

§
§
§

DECLARATION OF FRANK PHILLIPS

I, Frank Phillips, pursuant to 28 U.S.C. 1746, am executing this declaration. I declare under penalty of perjury that the facts stated below are true and correct to the best of my personal knowledge and belief.

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in the foregoing Declaration is based on my personal knowledge and experience.
2. I am the Election Administrator of Denton County, Texas, a position I have held since 2016 and previously held from 2009 to 2014. From 2014 to 2016, I was the Election Administrator of Tarrant County, Texas.
3. My experience gives me substantial insight into the procedures, administration, and the various complexities of conducting elections in Texas.
4. In 2020, in my capacity as Denton County Election Administrator, I identified irregularities that led to an investigation into a major vote harvesting scheme.
5. That investigation indicated that Zul Mirza Mohamed, a 2020 candidate for Mayor of Carrollton, Texas, sought to improperly influence the outcome of that election by engaging in an illicit vote harvesting scheme. Mohamed was prosecuted for the fraud and currently awaits trial.
6. All available evidence uncovered in the course of investigation tend to establish that Mr. Mohamed forged several dozen applications for ballot by mail (ABBMs), which directed

my office to issue mail-ballots to a single post office box that Mr. Mohamed had obtained with false identification.

7. At the time of his arrest, Mr. Mohamed was found stuffing envelopes with applications for ballot by mail and appears to have sent fraudulent mail-in ballots prior to his arrest.
8. If Mr. Mohamed succeeded in his efforts, Denton County voters would have been disenfranchised by his scheme—legitimate Denton County voters could have shown up to the polls on election day and been told that their ballots had already been cast. As it was, multiple voters who Mr. Mohamed impersonated attempted to request their own mail-ballot. My office had to confirm with them which ABBM was legitimate.
9. While my office in Denton County sequestered any fraudulent ABBM or ballot cast by Mr. Mohamed, the City of Carrollton spans two other counties (Dallas County and Collin County), and I cannot confirm that fraudulent ABBMs or mail-ballots submitted as part of Mr. Mohamed's scheme were appropriately sequestered in those other two counties.
10. The signature requirements did not adequately prevent or detect the voter fraud scheme perpetrated by Mr. Mohamed. Only one county out of the three counties covered by the voting district in question detected the fraud scheme. If Mr. Mohamed had not routed so many voter registration documents through a single post office box, the attempted fraud may have gone undetected.
11. Based on my experience, SB 1's mail ballot identification requirements would have helped me identify the mail voting fraud scheme initiated by the Carrollton mayoral candidate earlier or would have prevented the scheme altogether.
12. Since SB 1's identification number requirement has been passed, my office's standard operating procedure has been to use that unique identifier as a reliable way to positively identify voters and help ensure that each person casting a ballot is in fact a qualified and registered Texas voter.
13. Because the identification number requirement was not in place in 2020, it was significantly easier for Mr. Mohamed to complete fraudulent ABBMs and actually receive illegitimate mail-ballots.

Executed in Denton County on the 21st day of June, 2023.



Frank Phillips
Denton County Election Administrator

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

§
§
§
§
§

v. Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

§
§

STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX T

Transcript of the Testimony of
Yvonne Ramon

Date:

April 21, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

Yvonne Ramon

April 21, 2022

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, ET AL.,) (
PLAINTIFFS,) (
VS.	) (	CASE NO.
GREGORY W. ABBOTT, ET AL., DEFENDANTS.	) (	5:21-cv-844-XR

OCA-GREATER HOUSTON, ET)
AL.,)
PLAINTIFFS,) (CASE NO.
VS.) (1:21-cv-780-XR
JOHN SCOTT, ET AL.,)
DEFENDANTS)

HOUSTON JUSTICE, ET AL.,)
PLAINTIFFS,)
VS.) CASE NO.
GREGORY WAYNE ABBOTT, ET) 5:21-cv-848-XR
AL.,)
DEFENDANTS)

MI FAMILIA VOTA, ET AL.,)
PLAINTIFFS,)
VS.)
GREG ABBOTT, ET AL.,)
DEFENDANTS.)
)
) (CASE NO.
) (5:21-cv-0920-XR

Yvonne Ramon

April 21, 2022
Pages 2 to 5

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1		1	Conference)
2	UNITED STATES OF AMERICA,	2	Julia Longoria (Zoom Video Conference)
	PLAINTIFF,	2	Knychelle Passmore, DOJ (Zoom Video Conference)
3		3	Lisa Cubriel, Bexar County (Zoom Video Conference)
4		3	Tony Nelson, Travis County (Zoom Video Conference)
5	CASE NO.	4	
VS.	5:21-cv-1085-XR	5	
THE STATE OF TEXAS, ET AL.,		6	
DEFENDANTS.		7	
-----		8	
ORAL AND VIDEOTAPED DEPOSITION OF		9	
YVONNE RAMON		10	
APRIL 21, 2022		11	
-----		12	
ORAL AND VIDEOTAPED DEPOSITION OF YVONNE		13	
RAMON, produced as a witness at the instance of the		14	
STATE DEFENDANT, and duly sworn, was taken in the		15	
above-styled and numbered cause on April 21, 2022, from		16	
10:06 a.m. to 4:26 p.m., before Maribel Hernandez, CSR		17	
in and for the State of Texas, reported by machine		18	
shorthand at the Offices of Texas Attorney General,		19	
Child Support Division, Pharr Regional Office, 3508		20	
North Jackson Road, Pharr, Texas, pursuant to the		21	
Federal Rules of Civil Procedure and the provisions		22	
stated on the record or attached hereto.		23	
-----		24	
-----		25	
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2	FOR THE PLAINTIFF LA UNION DEL PUEBLO ENTERO:		PAGE
3	Nina Perales	3	
4	MALDEF	4	
5	110 Broadway Street		YVONNE RAMON
6	Suite 300		Examination by Mr. Hudson
7	San Antonio, Texas 78202		7
8	(210) 224-5476		
9	FOR THE PLAINTIFF OCA-GREATER HOUSTON:		Signature and Changes
10	Susana Lorenzo	5	229
11	ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND	6	
12	99 Hudson St, 12th Floor		Reporter's Certificate
13	New York, New York 10013	7	232
14	(212) 966-5932	8	
15	info@aaldef.org	9	EXHIBITS
16	FOR THE PLAINTIFF LULAC TEXAS:	10	
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24	Josephine Ramirez Solis	5	Presentation 191
25	Leigh Ann Tognetti	6	Election Advisory No. 2022-07 192
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6	josephine.ramirez@da.co.hidalgo.tx.us	11	by Mail Procedures 200
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10	OFFICE OF ATTORNEY GENERAL OF TEXAS	14	FAQs with the Elections Division 02/24/2022 204
11	Senior Special Counsel		
12	P.O. Box 12548		
13	Austin, Texas 78711		
14	(512) 463-2100		
15	eric.hudson@oag.texas.gov		
16	ALSO PRESENT:		
17	David Diaz, Videographer (Zoom Video Conference)		
18	Brady Bender, DOJ (Zoom Video Conference)		
19	Juan Estrada, Fried Frank Law Clerk (Zoom Video		

Yvonne Ramon

April 21, 2022
Pages 150 to 153

<p>1 has changed, so -- but prior to Senate Bill 1.</p> <p>2 As soon as the second week of early vote,</p> <p>3 so we bring them in because there are various processes</p> <p>4 that I can speak to if you want me to after this. So</p> <p>5 they start to meet early enough, and -- and then they</p> <p>6 make the determination. It's the early voting ballot</p> <p>7 board, not my office, that makes the determination to</p> <p>8 accept or reject a carrier envelope with the ballot that</p> <p>9 is inside.</p> <p>10 Q. Have you ever served as a member of a early</p> <p>11 voting ballot board?</p> <p>12 A. I have not.</p> <p>13 Q. Have you ever witnessed an early voting ballot</p> <p>14 board processing mail-in ballots?</p> <p>15 A. When I started, I did, and as per the Election</p> <p>16 Code, I am not involved. It is the early voting ballot</p> <p>17 board, the members who are part of the ballot board that</p> <p>18 make these determinations, not mine. So I have a person</p> <p>19 who is in charge of and over -- and helping in</p> <p>20 overseeing because the law does allow a tabulator, is in</p> <p>21 a sense it's called because we have to help them.</p> <p>22 But -- but basically, that's the extent of our</p> <p>23 involvement.</p> <p>24 Q. Does the Hidalgo County Elections</p> <p>25 Administrator's office assist in any way with cure</p>	<p>Page 150</p> <p>1 Q. Okay. Do you have any idea of the number of</p> <p>2 mail ballots that were cured through the process that</p> <p>3 you put in place under Senate Bill 1?</p> <p>4 A. I do.</p> <p>5 Q. What's the number?</p> <p>6 A. 95.</p> <p>7 Q. Okay. So it's 95 voters that prior to Senate</p> <p>8 Bill 1 would have their ballots rejected?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. To your understanding, what is the</p> <p>11 method for matching identification numbers on a carrier</p> <p>12 envelope at a ballot -- a mail ballot?</p> <p>13 A. So the process has changed from when senate</p> <p>14 bill was enacted on December the 2nd to now.</p> <p>15 Q. Well -- well, let's start with the before time</p> <p>16 if we can. So can you walk the Court through the</p> <p>17 process for examining a mail ballot by the early voting</p> <p>18 ballot board prior to the passage of Senate Bill 1?</p> <p>19 A. So the -- the process is quite extensive</p> <p>20 because the law requires that once the application has</p> <p>21 been reviewed and deemed to be a qualified voter to vote</p> <p>22 by mail, there is -- and I don't want to call it a kit,</p> <p>23 but there -- there are envelopes that are created,</p> <p>24 pocket envelopes that now hold that application in place</p> <p>25 while the carrier envelope, which has various pieces, is</p>
<p>1 process for --</p> <p>2 A. Yes.</p> <p>3 Q. -- carrier envelopes?</p> <p>4 A. Yes, we do. When the ballot board has advised</p> <p>5 us that there is a ballot to be cured, then we do create</p> <p>6 a list and that voter comes to our office, and we then</p> <p>7 set the process for curing and assisting the voter to</p> <p>8 cure the ballot, and then that ballot carrier/envelope</p> <p>9 is returned to ballot board.</p> <p>10 Q. So you do have a process in place to cure</p> <p>11 defective mail ballots?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Have you used that process prior to</p> <p>14 Senate Bill 1?</p> <p>15 A. No. There was no curing of the -- of the</p> <p>16 carrier envelope. Once it's with ballot board, that --</p> <p>17 those laws were completely different from now.</p> <p>18 Q. And so since Senate Bill 1, you don't have this</p> <p>19 cure process?</p> <p>20 A. Yes.</p> <p>21 Q. Have you used the cure process since the</p> <p>22 passage of Senate Bill 1?</p> <p>23 A. Yes.</p> <p>24 Q. Was it effective in your opinion?</p> <p>25 A. I believe for being the first time it was, yes.</p>	<p>Page 151</p> <p>1 sent to the voter.</p> <p>2 Then when that carrier envelope is</p> <p>3 returned, then it's matched up with the application,</p> <p>4 because prior to Senate Bill 1, what needed to be</p> <p>5 matched were the signatures, the signatures on the</p> <p>6 application and the signature on the back of the carrier</p> <p>7 envelope.</p> <p>8 Q. Now, let's talk about that for a moment. So</p> <p>9 prior to Senate Bill 1, the only way to marry up an</p> <p>10 application and a ballot was by looking at the</p> <p>11 signature, right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you know if Hidalgo County had ever</p> <p>14 been sued over the signature match requirements prior to</p> <p>15 passage of Senate Bill 1?</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Okay. Let me ask you, in -- in your opinion,</p> <p>18 do you think the signature match is the best way to</p> <p>19 match ballots and applications?</p> <p>20 MR. WHITE: Objection; form.</p> <p>21 MS. RAMIREZ: Object to form.</p> <p>22 A. It's my opinion, not the law, but I don't</p> <p>23 believe it is. I -- I always have wanted there to be a</p> <p>24 new signature on file every so many years. I don't know</p> <p>25 what that length of time would be, but we see the</p>

Yvonne Ramon

April 21, 2022
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<p>Page 154</p> <p>1 elderly especially that registered at a young age whose 2 signature is no longer the same signature.</p> <p>3 Mine isn't the same signature now that 4 they're voting by mail. So that in and of itself was a 5 difficult process sometimes.</p> <p>6 Q. (BY MR. HUDSON) Okay. Now, under Senate Bill 7 1, you have the signature, but you also have the 8 alternative of the identification numbers, right?</p> <p>9 A. Yes.</p> <p>10 Q. Assuming that somebody doesn't get a second 11 driver's license, are they going to have the same 12 driver's license number throughout their voting history 13 in Hidalgo County?</p> <p>14 MS. RAMIREZ: Object to form.</p> <p>15 A. Yes.</p> <p>16 Q. (BY MR. HUDSON) What about Social Security 17 numbers? Are you aware of anybody getting a different 18 Social Security number over the course of their 19 lifetime?</p> <p>20 A. I am not aware. I don't know that process.</p> <p>21 Q. Okay. So if someone were, for instance, to use 22 a Social Security number as opposed to a signature, in 23 your experience and in your opinion, you would assume 24 that that Social Security number belonged to the person 25 who used it, right?</p>	<p>Page 156</p> <p>1 which is called Team, and they work with DPS directly 2 and they upload to Team, but we had to work out to the 3 process of also uploading to the offline counties.</p> <p>4 Q. Well, let's explain to the court what you mean 5 by offline county. So can you describe what that term 6 means, offline --</p> <p>7 A. Yes.</p> <p>8 Q. -- so that the judge understands?</p> <p>9 A. Yes. So as I mentioned, the official voter 10 registration database is called Team, and it is managed 11 by the Secretary of State's office. They have a whole 12 department on this.</p> <p>13 So when we are an offline county, and if 14 this was before my time that I came in, we were already 15 deemed an offline county. Apparently at that time, the 16 Secretary of State's team division was not strong enough 17 to handle all 254 counties.</p> <p>18 So the larger counties broke away and, in 19 fact, we pay for a voter registration vendor while Team 20 is still providing that service to the counties that are 21 with them, I believe at no cost still. I'm not sure 22 because I'm not an online county.</p> <p>23 Regardless, every day we have to submit to 24 the State whatever has been processed. So every day 25 there is an upload to the State, and we work very hard</p>
<p>Page 155</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you think that that's a more 3 effective way to match ballots and applications?</p> <p>4 MR. WHITE: Objection; form.</p> <p>5 MS. RAMIREZ: Object to form.</p> <p>6 A. It is effective. It doesn't -- this Senate 7 Bill 1 does not exclude the signature, because if there 8 is no signature on that carrier envelope, it is also 9 rejected.</p> <p>10 Q. (BY MR. HUDSON) Uh-huh.</p> <p>11 A. But it is not the bate -- primary basis for the 12 acceptance of that carrier envelope.</p> <p>13 Q. Okay. Do you think that the identification 14 number system is superior to the signature match system?</p> <p>15 MR. WHITE: Objection; form.</p> <p>16 A. As we have -- as we have worked with the 17 Secretary of State to -- to work out all the bumps and 18 bruises along the way, eventually we hope that it will 19 be a more effective way.</p> <p>20 Q. (BY MR. HUDSON) Okay.</p> <p>21 A. To begin with, it was difficult.</p> <p>22 Q. Okay. Why was it difficult?</p> <p>23 A. Because -- because not all IDs were in offline 24 county, which is a Hidalgo County databases. The 25 Secretary of State has the official data -- database,</p>	<p>Page 157</p> <p>1 at synchronizing our data so that both Team and our 2 vems, is our vendor under VOTEC, databases are 3 synchronized and the same.</p> <p>4 Q. Okay. So that it's clear, when you say 5 offline, what you're referring to is your offline from 6 the Teams database?</p> <p>7 A. Yes. And we -- they, that are online, actually 8 go into the team portal and set up their election. We 9 also do that, but as an upload --</p> <p>10 Q. Okay.</p> <p>11 A. -- when it comes to voter records.</p> <p>12 Q. Now, the third-party vendor that Hidalgo County 13 uses to manage its voter registration information, does 14 that synchronize with the Team database operated by the 15 Texas Secretary of State?</p> <p>16 A. We do. We utilize their software, but we are 17 the ones that have to synchronize with the state, not 18 our vendor.</p> <p>19 Q. Okay.</p> <p>20 A. We manage our -- our software.</p> <p>21 Q. So Hidalgo County has access to the Team 22 database --</p> <p>23 A. Yes.</p> <p>24 Q. -- to identify voter identification numbers, 25 right?</p>

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

§
§
§
§
§

v.

Case No. 5:21-cv-844-XR

GREGORY W. ABBOTT, et al.,
Defendants.

§
§

STATE DEFENDANTS' BRIEF IN RESPONSE TO
THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT

APPENDIX U

Transcript of the Testimony of
The Office of the Dallas County Elections Administrator

Date:

April 29, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)(
ET AL.,)(
PLAINTIFFS,)(
VS.)(CIVIL ACTION
GREGORY W. ABBOTT, ET AL.,)(
DEFENDANTS.)(

VIDEOTAPED AND VIDEOCONFERENCED
ORAL DEPOSITION OF
RIVELINO LOPEZ, TACOMA PHILLIPS
AND MICHAEL SCARPELLO
APRIL 29, 2022

13 VIDEOTAPED AND VIDEOCONFERENCED ORAL DEPOSITION
14 OF RIVELINO LOPEZ, TACOMA PHILLIPS AND MICHAEL
15 SCARPELLO, produced as witnesses at the instance of the
16 Plaintiff LUPE, and duly sworn, was taken in the
17 above-styled and numbered cause on the 29th day of
18 April, 2022, from 10:47 a.m. to 8:02 p.m., before Holly
19 R. Swinford, CSR in and for the State of Texas, reported
20 by machine shorthand, at the Office of the Dallas
21 Elections Administrator, located at the Records
22 Building, 500 Elm Street, 7th Floor, Room 7Y11, in the
23 City of Dallas, County of Dallas, State of Texas,
24 pursuant to Notice, the Federal Rules, and the
25 provisions stated on the record or attached hereto.

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ALSO PRESENT: MR. JEREMY ROVNY, VIDEOGRAPHER	21	
	22	
	23	
	24	
	25	
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		DEPOSITION
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1 PROCEEDINGS 2 THE VIDEOGRAPHER: Okay. We are now on 3 record for the video deposition of Michael Scarpello, 4 Tacoma Phillips and Rivelino Lopez on April 29th, 2022, 5 at 10:47 a.m. Would Counsel state your appearances for 6 the record? 7 MS. PERALES: For Plaintiff LUPE, Nina 8 Perales of MALDEF. 9 MR. WHITE: For -- for the LULAC 10 Plaintiffs, Graham White of the Elias Law Group. 11 MS. HUNKER: For the State Defendants, 12 Kathleen Hunker. 13 MR. STOOL: For Dallas County, Texas, Ben 14 Stool, Assistant District Attorney, Dallas County, 15 Texas. 16 MR. SCHUETTE: And Jason Schuette, 17 Assistant District Attorney. 18 MS. PERALES: Before we swear in the 19 witness, I would like to get a couple of agreements on 20 the record. First, Plaintiffs have agreed to waive 21 the -- the reading, under Rule 30, by the court 22 reporter. 23 Defense Counsel, do you have any -- do you 24 also agree to waive that initial reading? 25 MR. STOOL: Dallas County agrees to waive	Page 6	Page 8
1 the reading. 2 MS. HUNKER: State Defendants agree to 3 waive. 4 MS. PERALES: And the second item I want 5 to address is the order of the witnesses today. 6 Mr. Stool, you've designated three 7 witnesses in response to the Notice of Topics for the 8 Notice of Deposition under Rule 30(b)(6), Michael 9 Scarpello, Tacoma Phillips and Rivelino Lopez. And is 10 it correct to say Mr. Lopez is here. He's being 11 produced first, and it's your plan, then, to provide 12 Ms. Phillips and then, at the end, Mr. Scarpello? 13 MR. STOOL: That is correct. 14 MS. PERALES: All right. If -- and -- and 15 just for the purpose of the record, it was my plan to 16 start with Mr. Scarpello to try to cover as much ground 17 as possible before having to bring in these additional 18 witnesses. And so, because we are starting with Mr. 19 Lopez and 20 Ms. Phillips, I just want to say on the record, that if 21 we get to Mr. Scarpello and he can't answer something, 22 we want to reserve the ability today to bring back 23 either Mr. Lopez or Ms. Phillips to answer those 24 questions. 25 RIVELINO LOPEZ: Or whatever.	Page 7	Page 9

<p style="text-align: right;">Page 10</p> <p>1 Would you raise your right hand, please?</p> <p>2 (Witness sworn by the court reporter.)</p> <p>3 THE REPORTER: Thank you.</p> <p>4 And statements -- you can put your hand</p> <p>5 down --</p> <p>6 THE WITNESS: Okay.</p> <p>7 THE REPORTER: Statements by the court</p> <p>8 reporter, according to Rule 30(b) have been waived by</p> <p>9 all parties present.</p> <p>10 Would Counsel please state any agreements</p> <p>11 that haven't already been stated on the record, on the</p> <p>12 record. Just according to the Federal Rules, correct?</p> <p>13 MS. PERALES: We have no additional</p> <p>14 agreements to state.</p> <p>15 THE REPORTER: Thank you.</p> <p>16 MS. PERALES: Are you ready, Mr. Lopez?</p> <p>17 THE WITNESS: Oh, yeah.</p> <p>18 REVELINO LOPEZ,</p> <p>19 having being first duly sworn, testified as follows:</p> <p>20 EXAMINATION</p> <p>21 BY MS. PERALES:</p> <p>22 Q. Can you please state your name for the record?</p> <p>23 A. Rivelino Lopez.</p> <p>24 Q. Thank you. My name is Nina Perales, and I</p> <p>25 represent some of the Plaintiffs in this case. I'm with</p>	<p style="text-align: right;">Page 12</p> <p>1 understanding and answering accurately?</p> <p>2 A. No. I'm ready.</p> <p>3 Q. Okay. Thank you. This is your deposition.</p> <p>4 You are not noticed for very many topics, so I don't --</p> <p>5 I don't see this going too long, but I want you to know</p> <p>6 that if you have a need for a break at any time, you are</p> <p>7 not my hostage; you can take a break. The only thing I</p> <p>8 ask is that we take the break after you answer my</p> <p>9 question. So if there's a question still out there on</p> <p>10 the table, that you answer it before we go on the break.</p> <p>11 Is that all right with you?</p> <p>12 A. Yes.</p> <p>13 Q. All right. And you're doing a great job of</p> <p>14 answering out loud, but I'm going to remind you that the</p> <p>15 court reporter cannot take down head nods or shakes or</p> <p>16 shrugs, so will you agree to make your answers out loud?</p> <p>17 A. Yes.</p> <p>18 Q. Thank you. And then, of course, if you would,</p> <p>19 wait for me to finish my question before you start your</p> <p>20 answer and I'll wait for you to finish your answer</p> <p>21 before I start my next question so we don't talk over</p> <p>22 each other. Is that okay?</p> <p>23 A. Yes.</p> <p>24 Q. Thank you. I'm entitled to your best estimate</p> <p>25 but I don't want you to guess on anything.</p>
<p style="text-align: right;">Page 11</p> <p>1 the Mexican American Legal Defense and Educational Fund,</p> <p>2 MALDEF, and I represent organizations and voters in this</p> <p>3 case who are challenging the law we refer to as SB 1.</p> <p>4 A. Okay.</p> <p>5 Q. Have you ever had your deposition taken before?</p> <p>6 A. Before February, I had zero. Now this is my</p> <p>7 third one in the last two months, yeah, so...</p> <p>8 Q. Well, then you're an expert.</p> <p>9 A. Yeah.</p> <p>10 Q. I'm just going to, quickly, because you are</p> <p>11 experienced, go through some of the ground rules to</p> <p>12 refresh your memory of how we do some of this.</p> <p>13 A. All right.</p> <p>14 Q. Do you understand that you are under oath?</p> <p>15 A. Yes.</p> <p>16 Q. And that the testimony that you provide today</p> <p>17 in this deposition is as if you were sitting in court</p> <p>18 giving that testimony to a Judge? Do you understand</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Is there anything today that would</p> <p>22 prevent you from giving me your full attention and</p> <p>23 responding accurately? For example, are you ill, or are</p> <p>24 you taking any medication that makes your head fuzzy?</p> <p>25 Is there anything that would prevent you from</p>	<p style="text-align: right;">Page 13</p> <p>1 Do you understand that instruction?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Thank you. If you don't understand a</p> <p>4 question, will you please ask me to rephrase it or</p> <p>5 repeat it.</p> <p>6 A. Okay.</p> <p>7 Q. All right. So I want to make sure if you give</p> <p>8 me an answer, that you have a good understanding of what</p> <p>9 I'm asking. Okay?</p> <p>10 A. Okay.</p> <p>11 Q. And then, finally, I might use some terms</p> <p>12 interchangeably. So, for example, if I use the term</p> <p>13 "Hispanic" or "Latino," will you understand those two</p> <p>14 terms to mean the same thing for the purpose of this</p> <p>15 deposition?</p> <p>16 A. Yes.</p> <p>17 Q. And if I use the term "limited English</p> <p>18 proficient," will you understand, for the purpose of</p> <p>19 this deposition, that I mean that it is a person for</p> <p>20 whom English is not their primary language and they have</p> <p>21 difficulty communicating in English?</p> <p>22 A. Okay. Yes.</p> <p>23 Q. All right. And then if I use the term "ABBM,"</p> <p>24 do you understand that to mean application for ballot by</p> <p>25 mail, or is that not a term you're familiar with?</p>

<p>1 A. Yes, I'm familiar.</p> <p>2 Q. Okay. And would that be any application for 3 ballot by mail, annual or just for a single election?</p> <p>4 A. I just take it as a application; it could be 5 either-or.</p> <p>6 Q. Okay. Thank you.</p> <p>7 A. Yes.</p> <p>8 Q. Thank you.</p> <p>9 A. Okay.</p> <p>10 Q. Are the attorneys who are here today for Dallas 11 County, Mr. Stool and Mr. Schuette, are they your 12 attorneys for this deposition?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Thank you. Now, I'm not going to ask 15 you to tell me any conversation or any communication 16 (indicating) that you had with your attorneys, but I 17 will ask you whether you met with your attorneys to 18 prepare for this deposition.</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And for about how long did you meet with 21 your attorneys, just time?</p> <p>22 A. Probably about two hours.</p> <p>23 Q. Okay. Thank you. Did you talk with anyone to 24 prepare for this deposition who is an attorney with the 25 Texas Attorney General's Office?</p>	<p>Page 14</p> <p>1 highlighted my part. This whole binder is kind of all 2 the reference material from the case. I haven't really 3 gone through; but yeah, this is just my -- my stuff 4 (indicating) I brought.</p> <p>5 Q. Okay. Thank you. And when you say "a binder 6 of reference material" -- I just want to be sure I'm 7 following the rules when I ask you that question.</p> <p>8 Is -- that's -- can you tell me where those -- 9 how do -- how did those materials get to you? How did 10 you get those materials?</p> <p>11 A. They were on my desk when I walked in this 12 morning, so I'm not sure, yeah, who put it there or --</p> <p>13 Q. So you don't know who the source is --</p> <p>14 A. No.</p> <p>15 Q. -- of that?</p> <p>16 A. No.</p> <p>17 Q. Okay. So we might -- do you know if there's 18 anything in there that is going to help you that you 19 would refer to it during this deposition?</p> <p>20 A. Huh-uh. My stuff's right here, what I brought.</p> <p>21 Q. Oh, okay.</p> <p>22 A. Yeah. This is, like, 200 pages (indicating).</p> <p>23 I -- yeah, I didn't have time for all that.</p> <p>24 Q. You haven't looked at that yet.</p> <p>25 A. Huh-uh.</p>
<p>Page 15</p> <p>1 A. No.</p> <p>2 Q. Did you review any information to prepare for 3 this deposition?</p> <p>4 A. Yes.</p> <p>5 Q. Tell me, generally, what you reviewed to 6 prepare.</p> <p>7 A. I reviewed the topics that I'm going to be 8 asked questions on and -- just to prepare.</p> <p>9 Q. Okay. Thank you. Did you talk to anybody 10 besides your attorneys to prepare for the deposition?</p> <p>11 A. Yes, we had a get-together, a Zoom call; and it 12 was also Ms. Phillips and Mr. Scarpello.</p> <p>13 Q. Okay. Anybody else besides Ms. Phillips and 14 Mr. Scarpello on the Zoom and your attorneys --</p> <p>15 A. No.</p> <p>16 Q. -- if they were there?</p> <p>17 Okay. So here, on my outline (pointing), I 18 usually will ask if you brought anything here with you 19 that's related to the case, and I do see a little bit of 20 paperwork there in front of you.</p> <p>21 Can you just show me? It looks like that --</p> <p>22 A. Well, this --</p> <p>23 Q. -- you've got a little chart there right on top 24 that has yellow and orange. What's that?</p> <p>25 A. This is what I'm going to be asked. I</p>	<p>Page 17</p> <p>1 Q. So underneath the piece of paper that you said 2 has your designated topics, it looks like there's 3 another maybe couple of pieces of paper.</p> <p>4 Can you tell me what those are?</p> <p>5 A. Statistical data, early voting counts from a 6 couple of elections.</p> <p>7 Q. Okay. So just straight how many early votes 8 were cast --</p> <p>9 A. Yes.</p> <p>10 Q. -- information?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Anything in there about whether it was broken 13 down by mail ballot or early voting by personal 14 appearance, anything like that?</p> <p>15 A. It has -- it's broken down -- it's just for the 16 primary election comparison, so it's broken down by 17 party.</p> <p>18 Q. Okay. Okay. So just the number of votes or 19 voters who turned out or the number of ballots cast?</p> <p>20 A. Right.</p> <p>21 Q. Does it break down the means that the voter 22 voted, like in-person early or mail?</p> <p>23 A. It breaks down early voting and election day.</p> <p>24 Q. Does it break down early voting by in-person or 25 mail ballot?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. In-person early voting, in-person election day 2 and then other, which includes mail ballot and 3 provisionals. 4 Q. Okay. And does that have just data for 2022? 5 A. '22, 2018 and 2014. 6 Q. Okay. 7 A. Yeah. 8 Q. Thank you. And later on, when we're on a 9 break, I'll ask your lawyers if that's been produced to 10 us. And if it hasn't been produced to us, I'll ask to 11 take a copy of that. Okay? 12 A. Okay. 13 Q. And then I'll also ask you some questions about 14 it, too. 15 A. Okay. 16 Q. Okay? 17 MS. PERALES: I'd like to mark this 18 Exhibit 1. 19 (Deposition Exhibit Number 1 marked.) 20 THE REPORTER: Would you like me to hand 21 it to him? 22 MS. PERALES: Yes, please. 23 THE REPORTER: Okay. 24 MS. PERALES: My arms are not long enough. 25 (Document handed to the witness and Counsel.)</p>	<p style="text-align: right;">Page 20</p> <p>1 (indicating) from your attorneys at Dallas County. 2 A. Okay. 3 Q. And do you see -- 4 A. Do I need to hold it up or -- so that -- 5 Q. No. 6 A. -- everybody -- oh. 7 Q. It's okay -- 8 A. Okay. 9 Q. -- but it's very kind of you to offer. 10 A. Okay. 11 Q. Do you see that your name is listed on here, on 12 the far right column (indicating) next to certain 13 topics? 14 A. Yes. 15 Q. Okay. And are you prepared to speak on those 16 topics that your name is associated with? 17 A. Yes. 18 Q. Now, do you understand that because you are 19 designated on certain topics, the answers that you give 20 are on behalf of the Dallas County Elections Department? 21 A. Yes. 22 Q. Tell me your current job title. 23 A. Voter Registration Manager. 24 Q. Okay. How long have you held that position? 25 A. 11 years.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Mr. Lopez, I have handed you what has been -- 2 or you -- you have received what has been marked Exhibit 3 1 for this deposition. 4 Do you recognize this document? 5 A. I think I have seen it. I haven't gone through 6 it; but I have seen it, yes. 7 Q. Okay. Do you understand that you're testifying 8 today in response to this Notice of Deposition? 9 A. Yes. 10 Q. Okay. And if you'll turn with me to Page 9, do 11 you see up at the top it's marked Exhibit A? 12 A. Yes. 13 Q. Okay. And then if you just look through it, 14 there are some definitions and then there are some 15 topics, some numbered topics that begin on Page 12, but 16 I will -- yeah. They begin on Page 12. 17 Do you see those there? 18 A. Yes. 19 Q. Okay. 20 MS. PERALES: Can we mark this Number 2? 21 (Deposition Exhibit Number 2 marked.) 22 (Document handed to the witness and Counsel.) 23 Q. And Mr. Lopez, you -- you have been handed what 24 has been marked Deposition Exhibit Number 2, and I'll 25 represent to you that this is a chart that we received</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. And what was your job before you became the 2 Voter Registration Manager? 3 A. I worked with the City of Dallas. 4 Q. And what were you doing there? 5 A. I was a supervisor at one of the local rec 6 centers. 7 Q. And where was that rec center? 8 A. At Harry Stone Recreation Center. 9 Q. And what neighborhood is that in? 10 A. Kind of far East Dallas. 11 Q. Okay. And so you went from that position with 12 the City of Dallas to become the Voter Registration 13 Manager -- 14 A. Uh-huh. 15 Q. -- for Dallas -- 16 A. Yes. 17 Q. -- County? 18 A. Yes. 19 Q. Okay. Are you from Dallas originally? 20 A. Born and raised, yes. 21 Q. Where did you go to high school? 22 A. I lived in Houston about five years, so I did 23 my whole high school career down in Houston at Clear 24 Creek High School. 25 Q. Okay. Clear Creek.</p>

The Office of the Dallas County Elections Administrator

April 29, 2022
Pages 22 to 25

<p style="text-align: right;">Page 22</p> <p>1 A. And then I came back to Dallas. 2 Q. Then you came back here? 3 A. Uh-huh. 4 Q. Did you do any schooling after high school? 5 A. Yes. I went to Mountain View College for a few 6 years and then I transferred over to Dallas Baptist 7 University and that's where I graduated. 8 Q. Okay. And you got a bachelor's degree? 9 A. Yes. 10 Q. Have you done any schooling after that? 11 A. No. 12 Q. So, with respect to your current position as 13 the Voter Registration Manager, what are your duties? 14 A. I oversee the voter registration area, and we 15 maintain voter lists, add and update voter information, 16 whether they're changing their address, changing their 17 name. We work with the Secretary of State, uploading 18 files, downloading files, sending voter history over to 19 the Secretary of State, working on mapping, you know, 20 precincts and -- and stuff like that. So we just -- 21 just maintain all the voters, 1.4 million voters in 22 Dallas County. 23 Q. That's a lot of voters. 24 A. Oh, yeah. 25 Q. Earlier I was telling you that the Bexar County</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. -- I understand. 2 Do you know how many voters in Dallas County 3 you do not have either a driver's license number or the 4 last four of the Social? 5 A. It's -- I know 99.46 percent do have a driver's 6 license or a Social on record. So about a half a 7 percent of our -- our registered voters. I guess it 8 would be close to 70,000. 9 Q. Do you know how many people only have one 10 number and not both numbers? 11 A. 97.13 percent have at least one. 12 Q. Have at least one? 13 A. Uh-huh. 14 Q. But do you -- can you tell me how many lack 15 both numbers? 16 A. Probably close to 70,000. 17 Q. Okay. Yes. I asked that question -- 18 A. Yeah. 19 Q. -- wrong. Let me try again. 20 How many of your registered voters only have 21 one number and not a second number? 22 A. That would be -- I want to say -- well, because 23 97 percent of them have either a Texas Driver's License 24 or -- 25 Q. Uh-huh.</p>
<p style="text-align: right;">Page 23</p> <p>1 Elections Administrator refers to the big counties as 2 "the big boys." Have you heard that before? 3 A. Yes. 4 Q. Yeah. Dallas County is one of the big boys, 5 isn't it? 6 A. Oh, yeah. 7 Q. Yeah. Are you familiar with the TEAM system? 8 A. Yes. 9 Q. Is Dallas County an online county or an offline 10 county? 11 A. Offline. 12 Q. Do you know why Dallas County is an offline 13 county? 14 A. I think the larger counties, it would be too 15 much for the State system to handle. So I guess about 16 half the state, especially the larger ones, have their 17 own VR database. 18 Q. Okay. I'm going to ask these questions just -- 19 not because I'm going to go into them deeply with you. 20 I just want to make sure I understand what you know -- 21 A. Okay. 22 Q. -- about your relationship with the TEAM 23 system. And like I said, I'm not going to go deep, but 24 I just want to make sure -- 25 A. Okay.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. -- an ID. 2 Q. Uh-huh. 3 A. So, yeah, I'll have to look at that. I don't 4 know that number off the top of my head. 5 Q. Okay. And so what you -- just so you 6 understand what I'm getting at, if you have a driver's 7 license number for me -- 8 A. Uh-huh. 9 Q. -- but you don't have my Social -- 10 A. Right. 11 Q. -- or you have my Social, but you don't have my 12 driver's license. 13 So people for whom you have one number filled 14 in, but you don't have a second number for them, you 15 would have to go back and try to see how many that were? 16 A. Uh-huh. 17 Q. Okay. 18 A. Yes. 19 Q. Okay. And now with respect to TEAM, do you 20 have knowledge of whether you received an update from 21 TEAM -- "you," meaning Dallas County -- received an 22 update for TEAM sometime around December or January that 23 was from the Secretary of State that went into your 24 system that had additional ID numbers for your 25 registered voters?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Not in December and January. On February 22nd, 2 we received an import that contained driver's license or 3 Socials. And our vendor matched those up, and whatever 4 voters didn't have a driver's license or Social, they 5 applied it to their record.</p> <p>6 Q. And you were able to bring that import in; you 7 didn't have any problems with your data coming in?</p> <p>8 A. No.</p> <p>9 Q. And that was on February 22nd?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Okay. Okay. I'm going to ask you some 12 questions about the period 2018 to the present.</p> <p>13 A. Okay.</p> <p>14 Q. First, let me ask you whether, in 2018, you 15 used what are sometimes called vote centers or 16 countywide polling places. Let's just start with for 17 early voting.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Did you use vote centers or countywide polling 20 places for early voting since 2018?</p> <p>21 A. Yes. Where anybody can vote at any early 22 voting location, yes.</p> <p>23 Q. Yes. Do you have a phrase that you use for 24 that here in Dallas?</p> <p>25 A. Well, before we went to vote centers for</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. -- before they start closing precinct-based 2 polling places.</p> <p>3 Is that an approach that Dallas County is 4 taking place, as well; or have you started closing 5 precinct-based in-person polls systematically?</p> <p>6 A. Right. We don't have any precinct-based 7 anymore. We just went straight to vote centers.</p> <p>8 Q. Okay. So if there's a particular elementary 9 school, for example, that people know that they -- that 10 they historically would vote at, from that 11 neighborhood -- let's say they would all go to that 12 elementary school -- have you started closing those 13 types of, you know, polling places and redirecting 14 (indicating) voters to the vote centers that might be 15 fewer?</p> <p>16 A. That is currently happening right now. In 17 2019, they decided to keep all polling places open for 18 vote centers.</p> <p>19 Q. Uh-huh.</p> <p>20 A. So right now, they are in the process of doing 21 that --</p> <p>22 Q. Okay.</p> <p>23 A. -- yes.</p> <p>24 Q. Got it. Thank you. And so for the March 1st, 25 2022, primary, all your polling places were vote</p>
<p style="text-align: right;">Page 27</p> <p>1 election day, we just called it early voting, yeah. So, 2 yeah.</p> <p>3 Q. Okay. And so you've mentioned vote centers for 4 election day.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Do you use vote centers for election day now?</p> <p>7 A. Yes.</p> <p>8 Q. And can you tell me when you started using vote 9 centers for election day?</p> <p>10 A. 2019.</p> <p>11 Q. Okay. Have you closed any precinct polling 12 places since you implemented vote centers on election 13 day?</p> <p>14 A. Me, personally (pointing), like --</p> <p>15 Q. Dallas County.</p> <p>16 A. Oh, Dallas County?</p> <p>17 Q. Yeah.</p> <p>18 A. Yes. Each election, polling places sometimes 19 have to be closed, yes.</p> <p>20 Q. So I know that, for some counties, they are 21 bringing in vote centers for election day; but they 22 haven't yet started closing or eliminating (indicating) 23 precinct-based polling places. They are trying to, I 24 think, get the vote center thing in there --</p> <p>25 A. Oh, okay.</p>	<p style="text-align: right;">Page 29</p> <p>1 centers; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you expect to do that, as well, for the 4 November 2022 general election?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. In -- do you recall -- do you recall the 7 hours that you had polling places open in 2018?</p> <p>8 A. No. I'd have to look at the time, but it's -- 9 it's pretty standard. Usually the first week's 8:00 to 10 5:00; second week, 7:00 to 7:00 and then Saturdays, 11 usually 7:00 to 7:00 and Sundays 12:00 to 6:00. It's 12 pretty -- that's our pretty standard hours each 13 election.</p> <p>14 Q. Uh-huh. Okay. And did you do anything with 15 extended hours for voting in 2020?</p> <p>16 A. They extended an extra week of early voting --</p> <p>17 Q. Uh-huh.</p> <p>18 A. -- so we had an extra week, and every day was 19 7:00 to 7:00. So they extended -- instead of 8:00 to 20 5:00, it was 7:00 to 7:00 --</p> <p>21 Q. Okay.</p> <p>22 A. -- with the exception of Sunday, which was 23 still 12:00 to 6:00.</p> <p>24 Q. Okay. So for -- we were just talking about 25 2020 --</p>

<p>1 A. (Witness moves head up and down.)</p> <p>2 Q. -- when you did that.</p> <p>3 Have you then, with respect to 2022, for the</p> <p>4 March primary, did you keep those same hours as you had</p> <p>5 in 2020; or did you make any adjustments?</p> <p>6 A. No. Went back to our standard 8:00 to 5:00,</p> <p>7 7:00 to 7:00. We did extend the last day of early</p> <p>8 voting for the primary to 10:00 o'clock.</p> <p>9 Q. To 10:00 p.m.?</p> <p>10 A. Uh-huh.</p> <p>11 Q. And that was --</p> <p>12 A. I believe it was the 25th of February. I</p> <p>13 believe that was the last day of early voting.</p> <p>14 Q. And why did you extend voting until 10:00 p.m.</p> <p>15 on February 25th, 2022?</p> <p>16 A. It was ordered by the County Judge. We kind of</p> <p>17 found out at the last minute. They let us know, Hey</p> <p>18 we're staying opened till 10:00.</p> <p>19 And I don't even know if they advertised it or</p> <p>20 whatever. But yeah, we found out at the last minute, so</p> <p>21 we just kept the polls open till 10:00.</p> <p>22 Q. You asked the poll workers to stay and --</p> <p>23 A. Yeah. We had to send, like, a mass -- our</p> <p>24 ePollbook has a messaging. So we sent a mass message,</p> <p>25 and we were also calling them, too, so -- to let them</p>	<p>Page 30</p> <p>1 duties that are related to the actual casting of</p> <p>2 ballots; is that right?</p> <p>3 A. No. I stick to voter registration. So we</p> <p>4 help -- like, if a judge calls, has a voter that's</p> <p>5 having an issue, they can't find them in the poll book,</p> <p>6 we look them up and help them. Like, during early</p> <p>7 voting, we offer limited ballot process. Election Day,</p> <p>8 they offer the provisional process, so we help them,</p> <p>9 help the judge and the voter through that.</p> <p>10 Q. Okay. And then, as the Voter Registration</p> <p>11 Manager, were you involved in trying to process, for</p> <p>12 March 2022, people's applications for ballot by mail and</p> <p>13 mail ballots to the extent that there was this new</p> <p>14 requirement to match the ID number, that was being</p> <p>15 provided, to the voter?</p> <p>16 A. No.</p> <p>17 Q. You weren't doing any of that matching work?</p> <p>18 A. No. If they -- if the ballot by mail</p> <p>19 department gave us a form, we -- like, because it had a</p> <p>20 Statement of Residence, also --</p> <p>21 Q. Uh-huh.</p> <p>22 A. -- on the form. So if they filled out a form,</p> <p>23 they would give it to us and we would update their</p> <p>24 information.</p> <p>25 Q. Okay. So that's if you had the person at the</p>
<p>1 know.</p> <p>2 Q. Okay. And do you know if staying open until</p> <p>3 10:00 p.m. on February 25th afforded voters in Dallas</p> <p>4 County an additional opportunity to go to the polls and</p> <p>5 cast their ballot that day?</p> <p>6 MS. HUNKER: Objection, form.</p> <p>7 A. It did, yes.</p> <p>8 Q. (By Ms. Perales) Do you know or do you have a</p> <p>9 sense of why the County Judge ordered you to stay open</p> <p>10 till 10:00 p.m. on the last day?</p> <p>11 A. I do not.</p> <p>12 Q. Okay.</p> <p>13 A. Can't recall.</p> <p>14 Q. All right. Do you know if there were voters</p> <p>15 who were trying to vote mail ballots who were then</p> <p>16 coming to the polls on that last day, including up till</p> <p>17 10:00 p.m., to -- to hand drop-off their mail ballots?</p> <p>18 MS. HUNKER: Objection to form.</p> <p>19 A. I don't know.</p> <p>20 Q. (By Ms. Perales) Okay. So I have a question</p> <p>21 about your involvement in kind of voting during the</p> <p>22 election days when people are voting.</p> <p>23 You're the Voter Registration Manager --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- but it sounds like you've also got some</p>	<p>Page 31</p> <p>1 wrong address.</p> <p>2 Do you have any knowledge, in March of 2022,</p> <p>3 this most recent primary election, of voters having to</p> <p>4 put an ID number, either driver's license or last four</p> <p>5 of the Social, on their application for ballot by mail</p> <p>6 or on the carrier envelope?</p> <p>7 A. Yes, I knew about that.</p> <p>8 Q. Okay.</p> <p>9 A. Yes.</p> <p>10 Q. Were you involved in doing any of the checking</p> <p>11 of those numbers or trying to match those numbers to the</p> <p>12 voter roll?</p> <p>13 A. No, I wasn't.</p> <p>14 Q. Okay. You've been designated to talk about</p> <p>15 Dallas County's experience with voters who vote with</p> <p>16 assistance in person from 2018 to the present.</p> <p>17 Do you have knowledge about Dallas County</p> <p>18 Election's experience with voters who come with another</p> <p>19 person to vote in person, so at the polls?</p> <p>20 A. When we were preparing, they asked if we can</p> <p>21 pull statistics. And so I went into our ePollbook, and</p> <p>22 we -- we can. We do track that with our new ePollbook,</p> <p>23 our current one. Before, we weren't tracking it; but I</p> <p>24 was able to pull statistics to show how many people</p> <p>25 requested assistance.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Uh-huh. And I just learned yesterday that the 2 ePollbook can be handy for figuring that information 3 out.</p> <p>4 A. Yeah.</p> <p>5 Q. So a couple of questions. When you say that 6 you didn't track it before, what does "before" mean?</p> <p>7 A. Before we implement our current ePollbook, 8 which is before 2020.</p> <p>9 Q. Okay. But for -- at least for 2020 onward, you 10 can run a report that tells you how many voters voted at 11 the polling place with assistance; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And the poll book, the ePollbook is used in the 14 polling places where the people come personally to vote; 15 is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Would you have that same information for who 18 voted with assistance by mail ballot, where the assistor 19 signs on the mail ballot --</p> <p>20 A. I wouldn't have that, no.</p> <p>21 Q. Okay. Did you run any reports about how many 22 voters used assistants in either this most recent 2022 23 or prior elections?</p> <p>24 A. I did. I didn't -- I -- I ran the reports to 25 get the numbers. I wrote the numbers down, but I don't</p>	<p style="text-align: right;">Page 36</p> <p>1 A. All right.</p> <p>2 Q. So since it sounds like you've already run a 3 few reports, so you're familiar with how to run these 4 reports, is that right, on the ePollbook?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Can you also get the names of the 7 voters?</p> <p>8 A. Yes. The names are on the report.</p> <p>9 Q. Okay. Okay. So, for example, you could see 10 which voters have a Spanish surname, like Lopez or 11 Perales versus another kind of name?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What is the software that you're using 14 now that allows you to run the report?</p> <p>15 A. It's called ExpressPoll Connect, and the vendor 16 is ES&S, which is Election Systems & Software.</p> <p>17 Q. Have you ever assisted a voter to vote? Have 18 you ever gone with someone and helped them?</p> <p>19 A. I have not.</p> <p>20 Q. Okay. Do you have anyone in your family here 21 in Dallas County who uses assistants to vote?</p> <p>22 A. No.</p> <p>23 Q. No viejitos?</p> <p>24 A. No.</p> <p>25 Q. Okay. Does Dallas County -- or from January of</p>
<p style="text-align: right;">Page 35</p> <p>1 have the reports.</p> <p>2 Q. Okay. So I'm going to ask you for the numbers 3 so you can --</p> <p>4 A. Okay.</p> <p>5 Q. -- tell me them, and then I'm going to ask for 6 the reports, themselves, to be produced because I 7 believe that information is responsive to at least one 8 of our Requests for Production.</p> <p>9 A. Okay.</p> <p>10 Q. Okay. So tell me the numbers that you have.</p> <p>11 A. For this recent primary election, 2022, there 12 was 752 voters requested assistance. For November 2021, 13 there was a hundred and thirty. For June 2021, we had 14 88. For May 2021, we had 228. And for November 2020, 15 we had 4,335. And we had a small run-off election 16 December '21. We only had one.</p> <p>17 Q. That must have been a very small run-off.</p> <p>18 A. Yeah.</p> <p>19 Q. December of 2021. I'm just trying to think of 20 what office would have been in a run-off in December of 21 2021, but it must --</p> <p>22 A. I --</p> <p>23 Q. -- must have been something special.</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. Thank you.</p>	<p style="text-align: right;">Page 37</p> <p>1 2018 until now, has Dallas County done any kind of voter 2 registration or voter outreach to specific communities 3 within Dallas County, either aiming the outreach at 4 particular neighborhoods or particular populations, 5 either voter registration outreach or voter outreach?</p> <p>6 A. Not specifically. Anytime we've gone out to do 7 voter drives, we go to high schools, we go to colleges, 8 college campuses. If somebody invites us because they 9 are having a big event -- it could be in the southern 10 sector, west side, east, we attend those. And so we 11 don't specifically target one area over the other.</p> <p>12 Q. Okay. Have you ever done any special outreach, 13 for either registration or voting, to disabled folks in 14 the community, any special disability outreach?</p> <p>15 A. No.</p> <p>16 Q. Let's talk about immigrants to the United 17 States.</p> <p>18 Do you do any voter registration drives outside 19 of naturalization ceremonies?</p> <p>20 A. No. We do inside. We -- we go inside to the 21 naturalization ceremony.</p> <p>22 Q. Okay. So --</p> <p>23 A. -- so...</p> <p>24 Q. -- somewhere in the building, you set up a 25 table. Is that it?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Yes. We used to, in the past, me and my staff, 2 we'd go to -- I mean, a couple of times a week 3 sometimes -- and we would register newly citizens. Now 4 we have an Outreach Coordinator that kind of handles 5 that. She was hired to do that, so she has volunteer 6 deputy registrars that go out to those locations now. 7 Q. Do you have any records on how many people you 8 have registered to vote in connection with 9 naturalization ceremonies? 10 A. I don't. 11 Q. Nowhere do you -- do you have, like, something 12 in your office that says, okay, for this past year, this 13 is how many people we registered outside of 14 naturalization ceremonies, just to -- 15 A. Right. 16 Q. -- show like how much work you're doing? 17 A. Right. Maybe our Outreach Coordinator would. 18 I just wouldn't have that right now. 19 Q. Okay. Do you do any outreach for voter 20 registration or voting in languages other than English? 21 A. Spanish, yes. And we just got a third 22 language, so I'm sure we'll be doing Vietnamese 23 outreach, as well. 24 Q. You're newly covered for Vietnamese, right? 25 A. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 patience with us today. You are not done, but you 2 are done with me, and I'm going to pass you along to 3 Mr. White here. But I did want to note for the record 4 that, based on our discussion, that the ExpressPoll Pad 5 Connect software can run reports on how many voters 6 voted in person with an assistor, that we believe that 7 that information is responsive to some of our request 8 for production. And we are happy to continue this 9 conversation, but I want to note for the record that we 10 believe that the reports that Mr. Lopez is referencing 11 is something that we've asked for in the case, and that 12 Mr. Lopez also suggested there might be records 13 maintained by the Outreach Coordinator on voters -- 14 voter outreach at naturalization ceremonies, which may 15 also be responsive to our discovery requests. And I'd 16 be happy to sort of pinpoint that for you at a later 17 point, but I want to make sure that I get that on the 18 record before I pass the witness. 19 MR. STOOL: Understood. 20 MS. PERALES: And now I pass the witness. 21 MR. STOOL: All right. 22 MS. PERALES: And we're just going to -- 23 MR. WHITE: Yeah, I'll -- 24 MS. PERALES: -- hand this microphone to 25 Mr. White.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. And what's your other language? You said it's 2 the third, so Spanish, Vietnamese -- 3 A. And English. 4 Q. Oh. Okay. Have you ever done any voter 5 registration or voter outreach in minority neighborhoods 6 (indicating) specifically, or that just happens 7 naturally as a result of your regular work? 8 A. Right. It happens -- 9 MS. HUNKER: Objection, form. 10 A. -- naturally. I mean, if the high school or 11 the college is in a minority area, I mean, yes, we're -- 12 we're there. 13 Q. (By Ms. Perales) Okay. Do you -- do you have 14 any involvement in where you choose to locate polling 15 places for voting? 16 A. I don't. 17 MS. PERALES: I would like to take a 18 couple of minutes off the record, if I could. 19 THE VIDEOGRAPHER: Okay. We're going off 20 the record. The time is 11:29 a.m. 21 (Break taken.) 22 THE VIDEOGRAPHER: Okay. We are back on 23 the record. The time is 11:33 a.m. 24 MS. PERALES: Okay. Before I pass the 25 witness, Mr. Lopez, I want to thank you for your</p>	<p style="text-align: right;">Page 41</p> <p>1 EXAMINATION 2 BY MR. WHITE: 3 Q. Mr. Lopez, how are you? 4 A. Doing good. 5 Q. I just have a couple of questions about your 6 testimony earlier about extended hours in voting. 7 And you testified earlier that polling places 8 were open until 10:00 p.m. on February 25th, 2022 -- 9 A. Yes. 10 Q. -- is that right? 11 And was that because of a Court Order? 12 A. Yes. 13 Q. And do you remember what the reason was for the 14 judge ordering the extended voting hours? 15 A. I don't. 16 Q. Okay. And how late were polling places 17 supposed to stay open prior to that Court Order? 18 A. 7:00. 19 Q. Until 7:00 p.m.? 20 A. Well, If there's no voters in line at 7:00 21 o'clock. But if there's voters, they got to vote. 22 Q. Were you concerned that having polling places 23 open until 10:00 p.m. on that day would lead to a voter 24 fraud? 25 A. No.</p>

<p>1 Q. Why not?</p> <p>2 MS. HUNKER: Objection, form.</p> <p>3 A. I have no reason to believe that, no.</p> <p>4 Q. (By Mr. White) Was anyone in your office</p> <p>5 concerned that having the polling places open until</p> <p>6 10:00 p.m. would lead to voter fraud?</p> <p>7 MS. HUNKER: Objection, form.</p> <p>8 A. I can't speak for them, no.</p> <p>9 Q. (By Mr. White) Did you hear anyone in your</p> <p>10 office express concerns to you that these extended hours</p> <p>11 would lead to voter fraud?</p> <p>12 A. No.</p> <p>13 Q. Did your office receive any complaints from</p> <p>14 voters that these extended hours would lead to voter</p> <p>15 fraud?</p> <p>16 MS. HUNKER: Objection, form.</p> <p>17 A. I don't know if we received any complaints.</p> <p>18 Q. (By Mr. White) Are you aware of any voter</p> <p>19 fraud that occurred during these extended hours on</p> <p>20 February 25th?</p> <p>21 A. I'm not aware of any.</p> <p>22 Q. Do you know how many voters showed up to vote</p> <p>23 during these extended hours on February 25th?</p> <p>24 A. I do not have those numbers.</p> <p>25 Q. Okay. Do you know if there were particular</p>	Page 42	<p>1 witness, I guess, to anyone on the Zoom who wants to ask</p> <p>2 questions remotely --</p> <p>3 MS. PERALES: Plaintiffs' side on the</p> <p>4 Zoom.</p> <p>5 MR. WHITE: -- on the Plaintiffs' side.</p> <p>6 MS. PERALES: So I'm not tethered. Just</p> <p>7 give me a second to come down the table.</p> <p>8 MS. BENDER: The United States has no</p> <p>9 questions at this time. Thank you.</p> <p>10 MS. PERALES: Thank you. This is Nina</p> <p>11 Perales talking to you now. Is there anybody on the</p> <p>12 Zoom who has questions for the witness from the</p> <p>13 Plaintiffs' side?</p> <p>14 MS. CAI: No questions from us at this</p> <p>15 time. Thank you.</p> <p>16 THE REPORTER: And can you identify?</p> <p>17 MS. PERALES: Yeah. And just let me know</p> <p>18 who said "No questions for the United States."</p> <p>19 MS. BENDER: This is Brady Bender.</p> <p>20 MS. PERALES: Brady Bender.</p> <p>21 THE REPORTER: Thank you.</p> <p>22 MS. BENDER: Yes.</p> <p>23 MS. PERALES: Thank you so much. It just</p> <p>24 sounds like --</p> <p>25 MS. BENDER: Thank you.</p>	Page 44
<p>1 precincts in Dallas County where voters were more likely</p> <p>2 to show up during these extended hours on February 25th?</p> <p>3 A. I don't --</p> <p>4 MS. HUNKER: Objection, form.</p> <p>5 A. -- know that.</p> <p>6 Q. Okay.</p> <p>7 THE REPORTER: I'm sorry. Okay. Thank</p> <p>8 you.</p> <p>9 Q. (By Mr. White) As a general matter, are there</p> <p>10 voters in Dallas County who struggle to make it to the</p> <p>11 polls during normal voting hours?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 A. Repeat the question.</p> <p>14 Q. As a general matter, are there voters in Dallas</p> <p>15 who struggle to make it to the polls during normal</p> <p>16 voting hours?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 A. I don't know.</p> <p>19 MR. WHITE: Okay. I have no further</p> <p>20 questions.</p> <p>21 THE REPORTER: Just a --</p> <p>22 MR. WHITE: And I will pass the --</p> <p>23 THE REPORTER: Just a second. Okay.</p> <p>24 Thank you.</p> <p>25 MR. WHITE: Okay. Well, I will pass the</p>	Page 43	<p>1 MS. PERALES: -- none of the other</p> <p>2 Plaintiffs have questions. So I think it's coming</p> <p>3 around the table to Ms. Hunker.</p> <p>4 EXAMINATION</p> <p>5 BY MS. HUNKER:</p> <p>6 Q. All right. Hello, Mr. Lopez.</p> <p>7 A. Hello.</p> <p>8 Q. It's good seeing you again.</p> <p>9 A. You, too.</p> <p>10 Q. So I have only a handful of questions for you.</p> <p>11 To give you a precursor, my questions are mostly in</p> <p>12 response to what the Plaintiffs have asked, and so</p> <p>13 there's going to be a little bit of jumping around.</p> <p>14 If at any point you get confused by my</p> <p>15 switching subject or I'm not clear, can you please let</p> <p>16 me know? I am happy to lay either more foundation or to</p> <p>17 rephrase the question.</p> <p>18 A. Okay.</p> <p>19 Q. Excellent. So you had spoken about the</p> <p>20 extended hours on February 25th, 2022; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And the extended hours was based off of</p> <p>23 decision from a Court; is that correct?</p> <p>24 A. Yes. The County Judge, yes.</p> <p>25 Q. So when you say "a court" and you say "the</p>	Page 45

<p style="text-align: right;">Page 46</p> <p>1 County Judge," are you referring to a judicial action, 2 or are you referring to the County Judge acting in his 3 executive capacity in Dallas County? 4 A. The County Judge from the Commissioners Court. 5 Q. Okay. So you're referring to the Commissioners 6 Court made the decision to have extended hours? 7 A. Yes. 8 Q. Okay. So this was not imposed on Dallas 9 County. This was a decision that Dallas County made, 10 itself; is that correct? 11 A. Yes. 12 Q. And they did not communicate why they asked for 13 extended hours on February 25th? 14 A. They may have. I just don't know that answer. 15 Q. And so let me break that question down twice, 16 just to -- to clarify. 17 You were not aware of the reasons they 18 requested extended hours at all during that election; is 19 that correct? 20 A. Correct. 21 Q. And you do not know why they requested extended 22 hours on the specific day of February 25th; is that 23 correct? 24 A. Correct. 25 Q. When you extended hours from -- ending at 7:00</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes. 2 Q. And you had also discussed the process of 3 eliminating precincts; is that right? 4 A. Yes. 5 Q. Will precincts be closed in November of 2020 6 based on the -- let me rephrase that question because I 7 used the wrong year. 8 A. Uh-huh. 9 Q. Will precincts be closed in November 2022 based 10 on the switch to countywide voting in 2019? 11 A. That is a plan, to close -- 12 Q. Okay. 13 A. -- those centers, yes. 14 Q. Do you know how many? 15 A. I don't have that number yet. 16 Q. Do you know how many early voting locations 17 were available for voters in November 2018? 18 A. I don't know that number. 19 Q. Okay. What about November 2020? 20 A. I don't have that number either. 21 Q. Okay. And you wouldn't know the amount of 22 election day locations on either of those years, would 23 you? 24 A. No, not off the top of my head. No. 25 Q. Do you know if they'll be -- let's start with</p>
<p style="text-align: right;">Page 47</p> <p>1 moving it to 10:00 p.m., were there any logistical 2 challenges that you faced with that? 3 A. Not that I'm aware of. 4 Q. And when you're answering this question, are 5 you speaking about your specific subdivision within the 6 Election Administrator's Office, or are you talking 7 about the Election Administrators as a whole? 8 A. As a whole. 9 Q. Okay. And so did you have problems, for 10 example, securing additional poll watcher- -- poll 11 workers? 12 A. Not that I'm aware of. 13 Q. And did you have any problem securing any 14 election judges? 15 A. Not that I'm aware of. 16 Q. Did you consider hosting 24-hour voting 17 locations during November 2020? 18 A. No. 19 Q. And do you know if your office considered 20 hosting extended hours during November 2020 at all? 21 A. Not that I'm aware of. 22 Q. So Ms. Perales had mentioned county-wide 23 voting, and you said you had -- Dallas County started 24 county-wide voting on Election Day in 2019; is that 25 right?</p>	<p style="text-align: right;">Page 49</p> <p>1 early voting -- if it will be the same number or 2 approximately the same number of polling locations in 3 the early voting period in November 2022 as there was in 4 November 2018? 5 A. Approximately, yes, it should be close. 6 Q. Okay. And I'm going to ask the same question 7 with respect to November 2020. 8 Do you know if this might be approximately the 9 same number of locations in 2022, November, as there 10 were in November 2020? 11 A. Approximately, yes, should be close. 12 Q. And I'm going to ask the same question with 13 respect to Election Day. 14 To your knowledge, are there going to be 15 approximately the same number of polling locations on 16 Election Day in November 2022 as there were in November 17 2020? 18 A. No. It will be less. 19 Q. And do you know by how much, roughly? 20 A. I don't. 21 Q. And what about based on 2018? Would there be 22 approximately the same number of polling locations in 23 November 2022 as there would be -- as there were in 24 '20 -- November 2020? Let me rephrase that question 25 because I completely messed up while stating it.</p>

<p style="text-align: right;">Page 50</p> <p>1 Do you know if it will be approximately the 2 same number of polling locations in November 2022 as 3 there were in November 2018? 4 A. It will be less. 5 Q. It will be less. 6 A. Yes. 7 Q. And what was the reason for the decline? 8 A. It was -- in 2019, they decided to keep all of 9 them open, when we went to vote centers. They wanted to 10 keep every single precinct open. And then they said 11 after a two-year cycle, they would go down. They 12 would -- the Commissioners Court would decide on 13 decreasing the number of locations to save on cost and 14 number of poll workers -- 15 Q. Uh-huh. 16 A. -- so... 17 Q. And did they have voter input with this, or did 18 they open the -- the decision-making process to voter 19 input? 20 A. They opened it up. 21 Q. And so voters were able to voice their concerns 22 or their support for the initiative? 23 A. They have. 24 MR. WHITE: Objection to form. 25 A. They have -- they put a committee together,</p>	<p style="text-align: right;">Page 52</p> <p>1 bring my grandmother in to vote and she's in a 2 wheelchair and I helped push her to the polling 3 location, but then she voted on her own, would she -- 4 would I have had to sign the poll book? 5 MR. WHITE: Objection -- 6 MS. PERALES: Objection -- 7 MR. WHITE: -- form. 8 A. No. 9 THE REPORTER: I'm sorry. Thank you. 10 Q. (By Ms. Hunker) And so only certain types of 11 assistance are marked on the poll book; is that correct? 12 MS. PERALES: Objec -- 13 A. Voting assistance. 14 MS. PERALES: -- -tion -- 15 Q. (By Ms. Hunker) Voting assistance. 16 MS. PERALES: -- this is -- 17 A. Yes. 18 THE REPORTER: Sorry. 19 MS. PERALES: Objection -- hold up -- 20 THE WITNESS: Okay. 21 MS. PERALES: -- for one second -- 22 THE WITNESS: Okay. 23 MS. PERALES: -- if you would. 24 First, objection, form; second, I want to 25 object that this is outside the scope of the designated</p>
<p style="text-align: right;">Page 51</p> <p>1 Vote Center Advisory Committee. 2 Q. (By Ms. Hunker) Do you know if any of the vote 3 center committees findings or discussions are online? 4 A. I don't know if they are online. 5 Q. Now, you had also discussed the ePad or the -- 6 where you sign in on -- when in-person voting. And I 7 believe you said that that picks up who has requested 8 assistance, all for the last few years; is that right? 9 A. Yes. 10 Q. How does that work exactly? 11 A. The ePollbook has -- you can sign on the 12 ePollbook, so there's a oath on there if somebody 13 requests assistance, and then the person giving the 14 assistance signs the oath on there. And so when we do 15 the report, even the signature comes on the report, as 16 well. 17 Q. Okay. And so when it comes to assistants, it's 18 only picking up individuals who took the oath; is that 19 correct? 20 A. Yes. 21 Q. And so it's only taking individuals who assist 22 with the actual marking of the ballot; is that correct? 23 MS. PERALES: Objection, vague. 24 A. The -- for the ballot-marking device, yes. 25 Q. (By Ms. Hunker) So if, let's say, I were to</p>	<p style="text-align: right;">Page 53</p> <p>1 topic of this witness and possibly outside the scope of 2 his knowledge as the Voter Registration Director. 3 THE REPORTER: And I didn't hear your 4 answer. Can you say your answer again? You just said a 5 few words, I know, but I did not hear you. 6 THE WITNESS: Yes. 7 THE REPORTER: Thank you. 8 Q. (By Ms. Hunker) And so let me ask the question 9 again because I actually lost my place of thought. 10 MS. HUNKER: And I would ask that we keep 11 speaking objections to a minimum under local rules, 30, 12 only because it does disrupt my thought process. 13 MS. PERALES: And I will, however, be 14 making the same objections again. 15 Go ahead, Ms. Hunker. 16 Q. (By Ms. Hunker) So only certain types of 17 voting assistance are -- let me -- let me rephrase the 18 question. 19 Only people who are offering certain types of 20 voting assistance sign on the ePad; is that correct? 21 A. Yes. 22 MS. PERALES: Same objection. 23 Q. (By Ms. Hunker) And how much familiarity do 24 you have with the ePad or the process in which an 25 assistor would sign the ePad?</p>

Page 54	Page 56
1 A. I've been trained on it, and I've helped --	1 assistor?
2 I've trained others on my staff. I've trained them on	2 A. Uh-huh.
3 it, as well.	3 Q. The voter says, I -- I want to bring this
4 Q. So is this part of your responsibilities?	4 person here to help me vote, and then the assisto signs
5 A. Not at the polls.	5 the oath; is that correct?
6 Q. But you said you have trained on this	6 A. Yes.
7 particular device; is that correct?	7 Q. And are -- do you know if there's criteria that
8 A. Yes.	8 election judges and poll workers use to decide whether
9 Q. And you've trained others?	9 someone who's pushing a wheelchair, for example, is or
10 A. Right.	10 isn't an assisto?
11 Q. And have you seen it work and function?	11 A. Is there a criteria?
12 A. Yes.	12 Q. Yeah. Do the poll workers make the decision,
13 Q. And are you familiar with how it operates?	13 who is an assisto? You know, what kind of help makes
14 A. Yes.	14 you an assisto or not? Do -- are you aware of any
15 Q. And you're familiar with the procedures in	15 criteria that the poll workers use to make that
16 which it -- it operates on this?	16 decision?
17 A. Yes.	17 A. They have a training guide, yes.
18 MS. HUNKER: All right. No further	18 Q. Okay. And so do you -- can you say, sitting
19 questions.	19 here today, whether someone who's pushing a wheelchair
20 MS. PERALES: I have questions if Defense	20 with a voter and then comes in with them and over to the
21 Counsel don't.	21 voting station, can you say whether, sitting here today,
22 MR. STOOL: No, I don't have any.	22 you know whether the poll workers would ask that person
23 MS. PERALES: Okay.	23 who was pushing a wheelchair to sign the oath or not?
24 REEXAMINATION	24 MS. HUNKER: Objection, form.
25 BY MS. PERALES:	25 A. Yes, because that person would have to say, "I
Page 55	Page 57
1 Q. Well, Mr. Lopez, I spoke too soon when I said I	1 need assistance, and here's my assisto" --
2 was done with you.	2 Q. (By Ms. Perales) Okay.
3 Do you work at the polling place on Election	3 A. -- yes.
4 Day?	4 Q. So, in that instance, the person pushing the
5 A. No.	5 wheelchair and going over to the voting station with the
6 Q. Do you make a decision or have you ever made	6 voter is the assisto who would sign the oath; is that
7 the decision whether somebody who is coming into the	7 right?
8 polling place to assist another voter has to sign the	8 A. Yes.
9 Oath of Assistance?	9 MS. PERALES: Okay. Thank you.
10 A. Not at the polls, no.	10 I pass the witness.
11 Q. Are you aware of the criteria that poll workers	11 MR. WHITE: I have no further questions.
12 and election judges use to decide who has to sign the	12 MS. HUNKER: Just to quickly clarify on a
13 Oath of Assistance when they come with a voter to the	13 point, assuming there's no other questions from the
14 polling place?	14 attorneys on Zoom. Hearing none --
15 MS. HUNKER: Ob --	15 MS. BENDER: No questions.
16 A. Yes.	16 MR. STOOL: ID. ID. Who said that?
17 MS. HUNKER: -- -jection, form.	17 MS. PERALES: Oh, that's -- that's Brady.
18 A. Yes.	18 THE REPORTER: Thank you.
19 Q. (By Ms. Perales) Say that again.	19 MS. BENDER: I'm sorry. That's right. No
20 A. Yes.	20 questions at this time. Thank you.
21 Q. And what is that criteria, then?	21 REEXAMINATION
22 A. If they are -- if the voter requests	22 BY MS. HUNKER:
23 assistance, that's the person that will be signing the	23 Q. So in the example where an individual is being
24 ePollbook.	24 pushed, the way that the as- -- the way they would sign
25 Q. Okay. And so the voter comes with the	25 the eBook or ePad is if they were announced, "This is my

<p style="text-align: right;">Page 58</p> <p>1 assistor"; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. And so if the person who is voting chooses not</p> <p>4 to state, "This is my assistor," that person would not</p> <p>5 sign the eBook; is that correct?</p> <p>6 A. Correct.</p> <p>7 MS. HUNKER: Thank you.</p> <p>8 MS. PERALES: And so subject to another</p> <p>9 witness saying that they can't testify on a topic that</p> <p>10 Mr. Lopez says he has knowledge of, then I think we can</p> <p>11 switch over to the next witness now.</p> <p>12 MR. STOOL: Okay. Mr. Lopez needs to get</p> <p>13 back to the Elections Department, which is not that far</p> <p>14 from here, but -- so if he has to come back, he'll have</p> <p>15 to drive back down here. But he's got duties he's got</p> <p>16 to take care of because early voting is going on as</p> <p>17 we're having this conversation.</p> <p>18 MS. PERALES: Understood.</p> <p>19 MR. STOOL: Okay. So --</p> <p>20 MS. PERALES: Shall we take a moment off</p> <p>21 the record --</p> <p>22 MR. STOOL: Sure.</p> <p>23 MS. PERALES: -- to switch out our</p> <p>24 witnesses.</p> <p>25 MR. STOOL: Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. What does that mean?</p> <p>2 A. That means a voter can go into the polls and</p> <p>3 just select a party, and it would select all those</p> <p>4 candidates on that party.</p> <p>5 Q. So voters had an opportunity to vote straight</p> <p>6 ticket in 2018, correct?</p> <p>7 A. Yes.</p> <p>8 Q. They did not have that opportunity in November</p> <p>9 2020; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. And they will not have that opportunity in</p> <p>12 November 2022; is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And that's because the law changed in</p> <p>15 between -- or I should say before November 2020</p> <p>16 election; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And so Texas no longer allows straight ticket</p> <p>19 voting; is that correct?</p> <p>20 A. Yes.</p> <p>21 MS. HUNKER: Thank you.</p> <p>22 THE WITNESS: Okay. Thanks.</p> <p>23 MS. PERALES: And --</p> <p>24 THE REPORTER: I'm sorry. Can you wait</p> <p>25 one second? Thank you.</p>
<p style="text-align: right;">Page 59</p> <p>1 THE VIDEOGRAPHER: Okay. We're going off</p> <p>2 the record. The time is 11:53 a.m.</p> <p>3 (Break taken.)</p> <p>4 (Deposition Exhibit Number 3 marked.)</p> <p>5 THE VIDEOGRAPHER: Okay. We're back on</p> <p>6 the record. The time is 12:06 p.m.</p> <p>7 REEXAMINATION</p> <p>8 (Continued)</p> <p>9 BY MS. HUNKER:</p> <p>10 Q. Hi, Mr. Lopez.</p> <p>11 A. Hi.</p> <p>12 Q. I am sorry to bring you back onto the hot seat,</p> <p>13 but I had one or two more questions for you in relation</p> <p>14 to the document that you and your Counsel had produced</p> <p>15 to us during the deposition.</p> <p>16 A. (Witness moves head up and down.)</p> <p>17 Q. So you see -- do you have in front of you the</p> <p>18 document that says "Summary Report GRP-Detail," and then</p> <p>19 it says "2018 General & Joint Election"?</p> <p>20 A. Yes.</p> <p>21 Q. And this is for November 6, 2018, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And then there's a part here that says straight</p> <p>24 ticket; is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 REEXAMINATION</p> <p>2 BY MS. PERALES:</p> <p>3 Q. And just a couple of questions also about this</p> <p>4 document, which I would like the court reporter to hand</p> <p>5 to you, and it has been marked as Exhibit 3.</p> <p>6 (Document handed to the witness.)</p> <p>7 Q. So, Mr. Lopez, you've been handed what has been</p> <p>8 marked Exhibit 3, and do you recognize those as the two</p> <p>9 pages that you brought with you today to the deposition?</p> <p>10 A. Yes.</p> <p>11 Q. And you described them a little bit earlier in</p> <p>12 the deposition; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And just for the sake of the record, on this</p> <p>15 first page of the exhibit, which is dated November 6th,</p> <p>16 2018, can you tell me what that last column is that is</p> <p>17 titled ED, underscore, ADA?</p> <p>18 A. ED's for Election Day. ADA is for America's</p> <p>19 Disability Act, and that's for voters with disabilities</p> <p>20 that are voting.</p> <p>21 Q. And is it voters who used a special machine to</p> <p>22 vote?</p> <p>23 A. Yes. An ADA machine, yes.</p> <p>24 Q. All right. So if a voter came in with an</p> <p>25 assistant to help that voter vote on a regular machine,</p>

<p style="text-align: right;">Page 62</p> <p>1 would the voter be listed in this column, ED, 2 underscore, ADA?</p> <p>3 A. If they had a disability and had to use that 4 machine, they would be listed on that column.</p> <p>5 Q. Okay. Let's say they don't use an ADA machine; 6 they use a regular machine, because they bring someone 7 with them to help them. If the voter uses a regular 8 machine --</p> <p>9 A. Okay.</p> <p>10 Q. -- non-ADA machine, with an assister, would 11 that voter turn up here (pointing) in the column ED, 12 underscore, ADA?</p> <p>13 A. No.</p> <p>14 Q. Let me just check and see if I have any other 15 questions.</p> <p>16 A. Okay.</p> <p>17 Q. Is it correct to say that the column EV-ED, 18 underscore, PROV is for provisional ballots that were 19 cast and counted in the election?</p> <p>20 A. Yes, for both early voting and Election Day.</p> <p>21 Yes.</p> <p>22 Q. And then I recognize the column, Election Day.</p> <p>23 Now, that would be votes cast in person on 24 Election Day; is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Okay. But this is only for primary elections 2 in 2022, 2018 and 2014; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. We were talking earlier about the polls staying 5 open until 10:00 p.m. on the last day of Early Voting in 6 a particular election.</p> <p>7 And are the number of votes cast in each party 8 primary for that day that the polls stayed open until 9 10:00 p.m., is that represented on this chart here?</p> <p>10 A. Yes, that's Day 12.</p> <p>11 Q. For which year?</p> <p>12 A. 2022.</p> <p>13 Q. So is it correct to say that for Day 12 in the 14 2022 primary, the number of ballots cast was 18,101 --</p> <p>15 A. Yes.</p> <p>16 Q. -- for Democrat, and 10,270 for Republican?</p> <p>17 A. Yes.</p> <p>18 Q. Are those numbers just of in-person Early 19 Voting?</p> <p>20 A. Yes.</p> <p>21 Q. So that doesn't include any tabulation of mail 22 ballots, correct --</p> <p>23 A. Correct.</p> <p>24 Q. -- or Election Day votes?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. And then the column, EV, underscore, Mail is 2 mail ballots that you counted?</p> <p>3 A. Yes.</p> <p>4 Q. And the column, EV, underscore, in Person is 5 people who voted in person early; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And then under Total Votes, I see the number 8 there, 731,576.</p> <p>9 Is that the total number of ballots cast in 10 that election?</p> <p>11 A. Yes.</p> <p>12 Q. And then I -- is it correct to say that the 13 orange highlighting on "Straight Party" and some of 14 those numbers, that came from you; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. On the second page of the exhibit, which 17 says: "Primary Election Comparison," is that the 18 document you mentioned earlier that totals up how many 19 votes were cast in either the Democratic Primary or the 20 Republican Primary?</p> <p>21 A. Yes.</p> <p>22 Q. And there's a -- there is a list of days here, 23 Day 1, Day 2; and then towards the bottom, it says Day 24 12. Is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Would it be fair to say, then, that for both 2 the Democratic and Republican Primaries in November 3 2022, that on that day that you held the polls open 4 until 10:00 p.m., more votes were cast than in the two 5 previous comparison years?</p> <p>6 MS. HUNKER: Objection to form.</p> <p>7 A. Can you repeat? Did you say in November? Will 8 you repeat?</p> <p>9 Q. (By Ms. Perales) No. I was asking if in 10 Nov- -- I did say November of --</p> <p>11 A. Yeah.</p> <p>12 Q. -- 2022.</p> <p>13 A. Okay.</p> <p>14 Q. That's my mistake.</p> <p>15 Would it be fair to say that for the March 16 primary in 2022 on Day 12, Friday, which was the day the 17 polls stayed open until 10:00 p.m., that more votes were 18 cast in both the Democratic and Republican Primaries 19 when compared to previous years?</p> <p>20 A. Yes.</p> <p>21 MS. HUNKER: Objection to form.</p> <p>22 MS. PERALES: I pass the witness.</p> <p>23 MR. WHITE: I have no further questions.</p> <p>24 MS. HUNKER: I --</p> <p>25 THE REPORTER: Can you slow down just a</p>

<p style="text-align: right;">Page 66</p> <p>1 little bit for me, please? Can you slow down? 2 MS. HUNKER: Yes. 3 THE REPORTER: Thank you. Okay. I'm 4 ready. 5 MS. HUNKER: Ready? 6 THE REPORTER: Uh-huh. 7 REEXAMINATION 8 BY MS. HUNKER: 9 Q. Mr. Lopez, when we were talking about the 10 document just earlier, we were referencing the 11 Plaintiff's Exhibit Number 3, correct? 12 A. Number 3? 13 (Ms. Perales holding document up.) 14 A. Yes. 15 Q. And so let's look on the second page of that 16 exhibit. 17 A. Okay. 18 Q. And this is where it says "Primary Election 19 Comparison," correct? 20 A. Yes. 21 Q. And you were speaking to Counsel about Day 12, 22 correct? 23 A. Yes. 24 Q. And that was February 25th, 2022, correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 THE VIDEOGRAPHER: Okay. We're back on 2 the record. The time is 12:19 p.m. 3 EXAMINATION 4 BY MS. PERALES: 5 Q. Good afternoon, Ms. Phillips. 6 A. Hello. 7 Q. Can you please -- 8 THE REPORTER: Oh, I forgot to swear her 9 in. 10 MS. PERALES: I know. I just thought of 11 that. 12 Q. Can you please give us a second because we want 13 to make sure that you're sworn in. 14 A. Okay. 15 THE REPORTER: Okay. Can you please raise 16 your right hand? 17 (Witness sworn by the court reporter.) 18 THE REPORTER: Okay. Thank you. 19 MS. PERALES: Do we know -- can we mute 20 that participant? 21 (The Videographer moves head up and down.) 22 MS. PERALES: We're going to take a minute 23 to mute someone. 24 THE WITNESS: Okay. 25 THE VIDEOGRAPHER: I don't have the</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. And that is the day that the polls were 2 extended an additional three hours; is that correct? 3 A. Yes. 4 Q. This chart does not list the times in which 5 voters voted, correct? 6 A. Correct. 7 Q. And so you don't know when the voters voted 8 that day, is that correct? 9 A. That's correct. 10 Q. And if we look at 2018 and 2014, it appears 11 that the last day of Early Voting has the most number of 12 in-person votes for the Early Voting period; is that 13 correct? 14 A. That's correct. 15 MS. PERALES: Objection. 16 MS. HUNKER: No more questions. 17 MS. PERALES: No more questions here. 18 MR. STOOL: We don't have any questions. 19 MS. PERALES: Shall we go off the record 20 while they switch microphones? 21 MS. HUNKER: I think so. 22 MR. STOOL: Yes. 23 THE VIDEOGRAPHER: Okay. We're going back 24 off the record. The time is 12:16 p.m. 25 (Discussion off the record.)</p>	<p style="text-align: right;">Page 69</p> <p>1 permission to mute them, so we'll just have to ask them. 2 MR. STOOL: Just to -- 3 THE VIDEOGRAPHER: Never mind. We're 4 good. 5 MS. PERALES: Thank you. 6 TACOMA PHILLIPS, 7 having being first duly sworn, testified as follows: 8 EXAMINATION 9 (Continued) 10 BY MS. PERALES: 11 Q. Ms. Phillips, you've been here since the start 12 of Mr. Lopez's testimony; is that correct? 13 A. Yes. 14 Q. And so you've already heard me introduce myself 15 and walk him through some of the rules of the road for a 16 deposition; is that right? 17 A. Yes. 18 Q. So I'll -- I'll ask you a shorter version of 19 those questions -- 20 A. Okay. 21 Q. -- which is, first: Have you ever had your 22 deposition taken? 23 A. No. 24 Q. Okay. First time. It's an honor to be taking 25 your deposition.</p>

<p>1 Do you understand that the testimony that 2 you're giving is under oath? 3 A. Yes. 4 Q. And that your testimony today is as if you are 5 sitting in the courtroom testifying to the Judge? 6 A. Yes. 7 Q. Is there any reason for you, either that you're 8 taking medication or you don't feel well, that you 9 cannot understand my questions or testify accurately? 10 A. No. 11 Q. From time to time, you may hear one of the 12 lawyers making an objection during the deposition, and I 13 think you've probably already heard that. 14 A. Yes. 15 Q. In general, unless your lawyer instructs you 16 not to answer, you can go ahead and answer. And so I 17 just want to leave you with that instruction. Okay? 18 A. Okay. 19 Q. If I use the term "ABBM," will you understand 20 that to mean application for ballot by mail? 21 A. Yes. 22 Q. Do you understand that to mean all applications 23 for ballot by mail, both annual, as well as just for a 24 single election; or do you understand ABBM, for example, 25 to just be limited to the annual?</p>	Page 70	<p>1 A. Robert Heard. He's in -- a contractor in our 2 office. And it's another gentleman, the gentleman's 3 name -- I cannot remember his name. 4 Q. And Mr. Heard, who is a contractor, is he what 5 somebody might call a temp? 6 A. Yes, a temp contractor. 7 Q. Okay. 8 A. He's helping with the PIAs in our office. 9 Q. Okay. And when you say "PIA," you mean Public 10 Information -- 11 A. Yes -- 12 Q. -- for -- 13 A. Public Information Act, yes. 14 Q. Okay. So you're responding to requests for 15 information? 16 A. Yes. 17 Q. And then you mentioned one other individual. 18 A. Yes, I did. I do not remember his name. 19 Q. Okay. And he works in your office, as well? 20 A. I believe he's a contractor, also. 21 Q. Okay. Did you talk to anybody from the Office 22 of the Attorney General for Texas? 23 A. No. 24 Q. Did you review any paperwork in preparation for 25 this deposition?</p>	Page 72
<p>1 A. Application for ballot by mail, no. It's just 2 the -- it's the same. Everything's the same. 3 Q. Okay. Thank you. 4 What steps did you take to prepare for the 5 deposition today? 6 A. We met, I believe it was Tuesday, I believe, 7 for two hours -- 8 Q. Okay. 9 A. -- to go over -- 10 Q. Don't tell me -- 11 A. -- the questions. 12 Q. Don't tell me what you said if your lawyers 13 were there. 14 A. No, no, no, just to go over -- 15 Q. Okay. 16 A. -- the questions that I'm responsible for. 17 Q. Okay. Thank you. 18 A. Uh-huh. 19 Q. Thank you. I'm trying to play by the Rules. 20 Did you talk to anybody else besides Mr. Lopez, 21 Mr. Scarpello and your attorneys to prepare for this 22 deposition? 23 A. Yes. 24 Q. And can you just name that individual or 25 individuals?</p>	Page 71	<p>1 A. Just the paperwork that was given to answer my 2 portion of the questions. 3 Q. Okay. And who gave that paperwork to you? 4 A. Ben Stool. 5 Q. Did you bring anything here with you today 6 related to the case, any personal notes or charts or 7 other paperwork? 8 A. Yes. I brought the paperwork that was 9 provided -- given to me by Ben Stool, but I just jotted 10 down notes on that. 11 Q. And do you mean that you jotted notes on the -- 12 the chart that lists the topic and has your name across 13 from those topics? 14 A. Yes. 15 Q. Okay. So let's go ahead and just refer back to 16 Exhibit 1. It should be somewhere -- 17 THE REPORTER: It's over here (handing). 18 Q. You have been handed what has been marked 19 Deposition Exhibit Number 1 (holding up a copy of 20 document), and it says Plaintiffs' Third Amended Notice 21 of Rule 30(b)(6) Deposition. 22 Do you see that at the top? 23 A. I see that, yes. 24 Q. Do you recognize this document; have you ever 25 seen it before?</p>	Page 73

<p style="text-align: right;">Page 74</p> <p>1 A. It was sent to me. Are you --</p> <p>2 Q. Do you recognize, starting on Page 12 -- no --</p> <p>3 yes.</p> <p>4 Starting on Page 12, do you recognize the items</p> <p>5 listed under the heading "Deposition Topics"?</p> <p>6 A. Yes.</p> <p>7 Q. And then let's turn to Deposition Exhibit</p> <p>8 Number 2.</p> <p>9 THE REPORTER: Oh, I'm sorry (handing).</p> <p>10 Q. Can you look at the places where your name is</p> <p>11 listed in the right-hand column?</p> <p>12 A. Yes.</p> <p>13 Q. And that's on Page 1, Page 2, Page 3.</p> <p>14 It looks like just pages 1, 2 and 3; is that</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Are you prepared to testify on those topics</p> <p>18 today?</p> <p>19 A. Yes.</p> <p>20 Q. And do you understand that when you're</p> <p>21 answering questions on these topics, that you're</p> <p>22 speaking for the Dallas County Elections Department?</p> <p>23 A. Yes.</p> <p>24 Q. Because you are designated representative of</p> <p>25 the department. Yes?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Did you work under the supervision of</p> <p>2 Mr. Lopez?</p> <p>3 A. Yes.</p> <p>4 Q. How long were you an Assistant Voter</p> <p>5 Registration Supervisor?</p> <p>6 A. I'm thinking. I will say since 2014 through</p> <p>7 2021, March of 2021.</p> <p>8 Q. So, roughly, seven years?</p> <p>9 A. Yes.</p> <p>10 Q. And then prior to becoming the Assistant Voter</p> <p>11 Registration Supervisor, what were you doing?</p> <p>12 A. I was -- I was a Lead Clerk in Voter</p> <p>13 Registration.</p> <p>14 Q. And do you know about how many years you did</p> <p>15 that?</p> <p>16 A. I did that for probably a year.</p> <p>17 Q. And then before that?</p> <p>18 A. I was a clerk in Voter Registration.</p> <p>19 Q. I think they call those battlefield promotions.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And how long were you a clerk in Voter</p> <p>22 Registration?</p> <p>23 A. Since 1998, August of 1998.</p> <p>24 THE REPORTER: You said August of nineteen</p> <p>25 ninety- --</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so when I say "you" or "yours,"</p> <p>3 please understand that to mean Dallas County Elections</p> <p>4 Department.</p> <p>5 A. Yes.</p> <p>6 Q. Now, if there is something outside your</p> <p>7 knowledge, it's perfectly okay to say that.</p> <p>8 A. Okay.</p> <p>9 Q. And we can talk through whether there's</p> <p>10 somebody else who maybe has more knowledge and -- and</p> <p>11 then we can work through that with the attorneys. Okay?</p> <p>12 A. Okay.</p> <p>13 Q. So even though you're testifying for Dallas</p> <p>14 County Elections, I want to make sure that if something</p> <p>15 is simply outside the scope of your knowledge, that you</p> <p>16 feel comfortable saying that.</p> <p>17 A. Okay.</p> <p>18 Q. What is your title and your job?</p> <p>19 A. Mail Ballot Supervisor.</p> <p>20 Q. How long have you held that position?</p> <p>21 A. One year.</p> <p>22 Q. What did you do before you became the Mail</p> <p>23 Ballot Supervisor?</p> <p>24 A. I was the Assistant Voter Registration</p> <p>25 Supervisor.</p>	<p style="text-align: right;">Page 77</p> <p>1 THE WITNESS: 1998, yes.</p> <p>2 THE REPORTER: Thank you.</p> <p>3 Q. So that would be -- and before you were a clerk</p> <p>4 in Voter Registration, were you working for Dallas</p> <p>5 County?</p> <p>6 A. No.</p> <p>7 Q. Okay. So all in all, about how many years have</p> <p>8 you been working for Dallas County Elections?</p> <p>9 A. August of 2022 would be 24 years.</p> <p>10 Q. Wonderful. Congratulations.</p> <p>11 A. Thank you.</p> <p>12 Q. Before you became Mail Ballot Supervisor a year</p> <p>13 ago, did somebody else hold that job?</p> <p>14 A. Yes.</p> <p>15 Q. Who was that?</p> <p>16 A. Brylon Franklin.</p> <p>17 Q. Spell the first name.</p> <p>18 A. B-r-y-l-o-n.</p> <p>19 Q. Brylon. And then the last name?</p> <p>20 A. Franklin.</p> <p>21 Q. Franklin. Do you know how long Brylon Franklin</p> <p>22 was in the position of Mail Ballot Supervisor?</p> <p>23 A. No, I do not.</p> <p>24 Q. Was it more than a year?</p> <p>25 A. Yes. Yes, it was more than a year, but I can't</p>

<p>1 tell you how long.</p> <p>2 Q. Who does the Mail Ballot Supervisor report to?</p> <p>3 A. Michael Scar -- oh, I'm sorry. Let me -- it's</p> <p>4 Malissa Kouba.</p> <p>5 Q. And who is Malissa Kouba?</p> <p>6 A. Assistant Administrator Deputy. I don't know</p> <p>7 the exact title, the name of the title, but I know she's</p> <p>8 the Assistant Administrator Deputy.</p> <p>9 Q. So do you report to Malissa Kouba?</p> <p>10 A. I report to Malissa Kouba, yes.</p> <p>11 Q. Do you know how long she's been in her</p> <p>12 position?</p> <p>13 A. A year -- less than a year, I believe.</p> <p>14 Q. Less than a year. So then who did Brylon</p> <p>15 Franklin report to?</p> <p>16 A. Tony Pippin-Poole.</p> <p>17 THE REPORTER: Tony -- what was the last</p> <p>18 name?</p> <p>19 THE WITNESS: Pippins-Poole (sic).</p> <p>20 Q. Was Tony Pippins-Poole the Elections</p> <p>21 Administrator since you joined the Elections Department</p> <p>22 in 1998?</p> <p>23 A. No.</p> <p>24 Q. When you first got to the Elections Department,</p> <p>25 who was the Election Administrator, if anybody?</p>	<p>Page 78</p> <p>1 When I'm quiet, it's because I'm not going to</p> <p>2 ask you questions, so I'm just moving through my list.</p> <p>3 A. Okay.</p> <p>4 Q. Do you know, in general, what percent of votes</p> <p>5 that are cast in Dallas County are vote by mail?</p> <p>6 A. In general, no, I do not.</p> <p>7 Q. For -- well, let me ask you this: In the past,</p> <p>8 to the best of your knowledge or from 2018 (indicating)</p> <p>9 up until now, has Dallas County ever sent voters</p> <p>10 application for ballot by mail on Dallas County's</p> <p>11 initiative?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. (By Ms. Perales) So is it correct to say,</p> <p>15 then, that Dallas County, from 2018 forward, has only</p> <p>16 ever sent somebody an application for ballot by mail</p> <p>17 because that voter requested it first?</p> <p>18 A. To my knowledge, yes.</p> <p>19 Q. So, for example, Dallas County never did a</p> <p>20 mailing out to voters over 65, saying, Here's an</p> <p>21 application for ballot by mail in case you want to use</p> <p>22 it, or something like that?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. Before you became -- or before you were in your</p> <p>25 current position, were you involved in processing or</p>
<p>1 A. Bruce R. Sherbert.</p> <p>2 Q. Bruce R., like the letter R --</p> <p>3 A. Like the letter.</p> <p>4 Q. And then --</p> <p>5 A. Sherbert --</p> <p>6 Q. -- Sherbert --</p> <p>7 A. -- yes.</p> <p>8 Q. -- like the dessert? Yeah, got it.</p> <p>9 Are you from Dallas County?</p> <p>10 A. Yes.</p> <p>11 Q. Where did you go to high school?</p> <p>12 A. I went to Business Management High School,</p> <p>13 Business Management Magna High School.</p> <p>14 Q. Okay. That's here in Dallas?</p> <p>15 A. That was here in Dallas.</p> <p>16 Q. Did you do any education after high school?</p> <p>17 A. No.</p> <p>18 Q. Okay. Did you start working for Dallas County</p> <p>19 Elections after you completed high school?</p> <p>20 A. No.</p> <p>21 Q. Okay. Sometimes I ask people, like what was</p> <p>22 the most interesting thing they did before they got to</p> <p>23 their position. Senator Hughes told me he sold</p> <p>24 appliances door to door, but I will not ask you that</p> <p>25 question in the interest of time.</p>	<p>Page 79</p> <p>1 accepting applications for ballot by mail?</p> <p>2 A. No.</p> <p>3 Q. Okay. And before you took your current</p> <p>4 position, were you involved in processing or accepting</p> <p>5 mail ballots?</p> <p>6 A. No.</p> <p>7 Q. Do you have any personal experience with</p> <p>8 processing applications for ballot by mail or mail</p> <p>9 ballots prior to the March 2022 election?</p> <p>10 A. Yes.</p> <p>11 Q. And which elections would that be for?</p> <p>12 A. That would be for the elections that was in May</p> <p>13 of 2021 and November of 2021.</p> <p>14 Q. Okay. So it would be fair to say that you</p> <p>15 don't have personal experience with processing</p> <p>16 applications for ballot by mail or mail ballots in</p> <p>17 either 2020 or 2018; is that correct?</p> <p>18 A. I did not process in 2020, November 2020, but I</p> <p>19 did assist in the Mail Ballot Department in '20 -- in</p> <p>20 November of 2020.</p> <p>21 Q. Okay. Did you assist in the Mail Ballot</p> <p>22 Department in March of 2018 for the primary?</p> <p>23 A. No.</p> <p>24 Q. So you have some experience with the procedures</p> <p>25 of the office handling the applications for ballot by</p>

<p style="text-align: right;">Page 82</p> <p>1 mail and the mail ballots from November 2020?</p> <p>2 A. Yes.</p> <p>3 Q. So I'm going to ask you some questions about</p> <p>4 the procedures of the office --</p> <p>5 A. Okay.</p> <p>6 Q. -- that were used prior to SB 1 --</p> <p>7 A. (Witness moves head up and down.)</p> <p>8 Q. -- so before this March primary.</p> <p>9 Were there changes in the way the Elections</p> <p>10 Department processed applications for ballot by mail or</p> <p>11 mail ballots between November 2020 and November 2021</p> <p>12 that you're aware of?</p> <p>13 A. Can you repeat that question again?</p> <p>14 Q. Yeah. I want to ask some questions about the</p> <p>15 procedures of your office in handling applications for</p> <p>16 ballot by mail, processing them, and also mail ballots.</p> <p>17 But I want to make sure that when I ask those questions,</p> <p>18 I'm sort of capturing what your office does.</p> <p>19 And so my first question is whether you changed</p> <p>20 (indicating) any of the ways that you processed</p> <p>21 applications for ballot by mail or mail ballots between</p> <p>22 November 2020 and November 2021.</p> <p>23 Did your office undergo any kind of changes in</p> <p>24 the way you handled these materials or processed them?</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. That way, we will have the image of the either</p> <p>2 completed application or the incomplete application.</p> <p>3 Q. Does it also get a bar code?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So, then, after it gets the bar code,</p> <p>6 what happens next?</p> <p>7 A. Once it gets the bar code, then we would go</p> <p>8 ahead and process that application in the -- in the</p> <p>9 Vemacs voter registration system. And we will process</p> <p>10 it if it's complete. If the application's complete,</p> <p>11 then we will process it and prepare it for the election.</p> <p>12 If it's not complete, then we will process it</p> <p>13 still and then send the voter a notice letting them know</p> <p>14 what was incomplete about the application.</p> <p>15 Q. Okay. And when you're -- let's assume that</p> <p>16 you've got an application for ballot by mail and it is</p> <p>17 complete. How -- what would your office do to make sure</p> <p>18 that you knew this was coming from a real voter? Is --</p> <p>19 was there anything you would check about the voter</p> <p>20 besides that you have a voter registration record for</p> <p>21 that voter?</p> <p>22 A. Just -- just checking them in that voter</p> <p>23 registration system. They have to be a registered voter</p> <p>24 in order -- and if they are not a registered voter, then</p> <p>25 we will send them a letter letting them know, You are</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. So then I will ask you: Prior to SB 1, prior</p> <p>2 to the March 2022 primary, when you received an</p> <p>3 application for ballot by mail in the mail, what would</p> <p>4 you do from the moment that you opened it (indicating)?</p> <p>5 A. We'll open it, look to see -- date-stamp it,</p> <p>6 and then we'll put it in a category of how it came in.</p> <p>7 If it was a Y65, which is yearly person who's over the</p> <p>8 age -- anyone over the age of 65, or is disabled, or if</p> <p>9 they are going to be a RM, which is regular mail, out of</p> <p>10 county, or they just particularly want one particular</p> <p>11 election, they're -- they're selecting, or if it's a</p> <p>12 military or something like that, well, then, we'll put</p> <p>13 it in its category (indicating).</p> <p>14 And then we will put a bar code label on there.</p> <p>15 That way we can scan or capture the image of the</p> <p>16 application and put it into the VR system.</p> <p>17 Q. What would you be checking when you first open</p> <p>18 it, or would you scan it even if it was, for example,</p> <p>19 incomplete or unsigned? Is there a point at which</p> <p>20 you're checking to make sure it's complete?</p> <p>21 MS. HUNKER: Objection, form.</p> <p>22 A. We are actually doing -- I believe -- first, we</p> <p>23 will scan it. The process of it -- the process now</p> <p>24 would be still to image it, to capture the image of it.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 85</p> <p>1 not a registered voter, and also a voter registration</p> <p>2 application.</p> <p>3 Q. Okay. And so assuming the application for</p> <p>4 ballot by mail makes it through the system, is it fair</p> <p>5 to say you would then send that voter a mail ballot?</p> <p>6 A. We'll send them a ballot for every election</p> <p>7 that they are eligible to vote in.</p> <p>8 Q. So if you got an application for ballot by mail</p> <p>9 in January, for example, and the voter had checked</p> <p>10 "annual," you would put that person in the system and</p> <p>11 send them mail ballots for the rest of the year; is that</p> <p>12 right?</p> <p>13 A. Uh-huh. You said just check annual, so we'll</p> <p>14 just send them a ballot for an election that's not a</p> <p>15 political party election because they have to declare.</p> <p>16 Q. Okay. So if they wanted to vote in one primary</p> <p>17 or another, they would still -- they'd have to send you</p> <p>18 another --</p> <p>19 A. No.</p> <p>20 Q. -- application?</p> <p>21 A. They would have to state that on the</p> <p>22 application.</p> <p>23 Q. Okay. Got it. Now, walk me through the</p> <p>24 process pre-SB 1 (indicating) --</p> <p>25 A. Okay.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. -- of rece- -- your office would receive a mail 2 ballot now from a voter. 3 What would you -- what would be the process of 4 dealing with that? 5 A. We'll take the actual carrier envelope, which 6 contains the ballot inside the carrier envelope. We 7 will datestamp that carrier envelope, and then we will 8 run it through our Agilis machine to capture the image 9 of the side of the envelope that would contain the 10 voter's signature on there, and then we will wait for 11 SVC, which is Signature Verification Committee to verify 12 the signature. 13 Q. Okay. Have you ever done work to verify 14 signatures, yourself? 15 A. No. 16 Q. And who's on the Signature Verification 17 Committee? 18 A. That's a committee that is determined by, I 19 believe, the political parties, the Republican party and 20 Democratic party. And then they have a -- they have a 21 elect- -- Early Voting Ballot Board, which has a judge 22 and they determine who is the judge in -- in the ballot 23 board and who are selected to be on the committee for 24 signature verification. 25 Q. And then, once the -- and so do you have any</p>	<p style="text-align: right;">Page 88</p> <p>1 during early -- when Early Voting begins or Election 2 Day, and they can turn that carrier envelope in and vote 3 ballot for ballot. 4 Q. So would you have a letter, like a form letter, 5 that you would send the carrier envelope back to the 6 voter with the letter explaining kind of what their 7 options are? 8 A. And you're still asking the questions before -- 9 prior to 20- -- 10 Q. Before SB 1. 11 (Simultaneously speaking.) 12 A. SB 1. 13 THE REPORTER: I'm sorry. Can you slow 14 down just a little bit, and can you repeat the last 15 thing you just said. 16 THE WITNESS: I asked -- I asked -- I 17 said, Are you still asking the questions before SB 1. 18 THE REPORTER: Thank you. 19 A. That works -- yes, we did send a notice back 20 with the carrier envelope to the voter explaining to 21 them that they failed to put their signature on the 22 carrier envelope and give it -- and -- and explain it to 23 them, there's the steps they can do next in order for 24 their vote or ballot to be cast. 25 Q. What would you do if there wasn't enough time</p>
<p style="text-align: right;">Page 87</p> <p>1 understanding of what the Signature Verification 2 Committee does to verify the signature? 3 A. Say that again, please. 4 Q. Do you know what the Signature Verification 5 Committee would do to verify the signature? 6 A. No. 7 Q. Do you know if they compare the signature to 8 anything? 9 MS. HUNKER: Objection to form. 10 A. The law states that the Signature Verification 11 Committee is to verify the signature of the voter, 12 compare the signature of the voter's ABBM application 13 and compare the signature on the carrier envelope. 14 Q. (By Ms. Perales) Okay. If you received a mail 15 ballot and the signature is missing on the carrier 16 envelope -- 17 A. (Witness moves head up and down.) 18 Q. -- what would you do? 19 A. If it's within the time frame of bef- -- if 20 it's within the time frame before the Signature 21 Verification Committee convenes, we will take that 22 carrier envelope and resubmit it back to the voter for 23 them to be able to either put their signature on that 24 carrier envelope, mail it back to us; or they can take 25 that carrier envelope and take it to the polls, either</p>	<p style="text-align: right;">Page 89</p> <p>1 before the Election Day to mail the mail ballot back to 2 the voter? 3 A. It would be turned over to the SVC. 4 Q. The Signature Verifi- -- 5 A. Signature Verification -- 6 Q. -- cation? 7 A. -- Committee. 8 Q. But if the signature was missing, you would 9 just turn it over anyway? 10 A. If they're -- if Signature Verification 11 Committee has convened, everything is turned over to 12 them. 13 Q. Did you have a process before SB 1 of trying to 14 reach out to a voter, either by phone or some other way, 15 to tell them what their options might be if there wasn't 16 enough time to mail back the mail ballot? 17 A. No. 18 Q. You have a big county. 19 Okay. Now I'm ready to move to SB 1. 20 A. Okay. 21 Q. You'll agree with me that SB 1 created new 22 requirements for verification of application for ballot 23 by mail and mail ballots, correct? 24 A. Yes. 25 Q. And in your words, could you explain to me what</p>

<p>Page 90</p> <p>1 these new requirements are as they apply to ABBMs and 2 mail ballots?</p> <p>3 A. Okay. For an ABBM application, now we are 4 required to look into the voter registration system, not 5 only to verify that they are a registered voter, but to 6 look at the voter registration identification, Texas 7 Driver's License, Texas ID or the Soc- -- last four 8 digits of the Social Security number and see if it 9 matches what the voter has provided on the ABBM 10 application. Also -- we are also looking for the reason 11 why they are voting by mail --</p> <p>12 Q. (Moving moves head up and down.)</p> <p>13 A. -- and also if they provided a signature.</p> <p>14 Q. All right.</p> <p>15 A. And then if they met all those requirements, 16 then they will get inputted into the system, processed 17 as -- this first step as beginning to get a appli- -- I 18 mean, a ballot by mail. If they do not meet those 19 requirements, then we will send them, the voter, a 20 notice, letting them know which requirements were not 21 met.</p> <p>22 If a carrier envelope comes into our office 23 now, we have a secrecy flap on that envelope, carrier 24 envelope, that we do remove. The mail ballot staff does 25 remove that secrecy flap, and we do check to see if that</p>	<p>Page 92</p> <p>1 2022, did your office begin to receive applications for 2 ballot by mail?</p> <p>3 A. The first week in January? I -- maybe.</p> <p>4 Q. Okay.</p> <p>5 A. I don't -- I do not recall when we really start 6 receiving applications then.</p> <p>7 Q. Would you say that you receive applications for 8 ballot by mail in January or --</p> <p>9 A. Yes.</p> <p>10 Q. -- did?</p> <p>11 A. Yes, we did.</p> <p>12 Q. Did you keep track of how many applications for 13 ballot by mail that you were receiving either daily, 14 weekly or monthly?</p> <p>15 A. Yes, daily or weekly.</p> <p>16 Q. And how -- how is that information recorded?</p> <p>17 A. It's recorded by hand count.</p> <p>18 Q. Is that in a chart somewhere?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So we are in January. Your office is 21 receiving applications for ballot by mail and because of 22 SB 1, it's fair to say that you were opening these 23 applications for ballot by mail and attempting to match 24 the ID number that was provided on the ABBM to your 25 records on voter registration; is that right?</p>
<p>Page 91</p> <p>1 voter does have either one of those numbers on there or 2 they have signed an applica- -- I mean, signed a carrier 3 envelope.</p> <p>4 If any of the items are missing, then we would 5 go ahead and do a Corrective Action Form of a defect of 6 a carrier envelope, send that voter a notice with that.</p> <p>7 And on that notice, if it's a Corrective Action Form and 8 if it's not a Number 4 that states that the voter has a 9 incorrect driver's license or Social Security or a 10 missing driver's license or Social Security, they will 11 send that form and that ballot back to the voter --</p> <p>12 Q. Okay.</p> <p>13 A. -- by mail.</p> <p>14 Q. Thank you. I'm going to ask you some questions 15 about Dallas County's experience with these new 16 requirements --</p> <p>17 A. Okay.</p> <p>18 Q. -- for the March 2022 primary election.</p> <p>19 A. Okay.</p> <p>20 Q. Is it correct to say that the March 2022 21 primary election was the first election that Dallas 22 County was implementing the new ID requirements for mail 23 voting?</p> <p>24 A. Yes.</p> <p>25 Q. So starting with the first week in January of</p>	<p>Page 93</p> <p>1 A. Yes.</p> <p>2 Q. Tell me about what that experience was like in 3 January.</p> <p>4 For example, were there times when you could 5 not match the information that was provided on the ABBM 6 to the voter registration record?</p> <p>7 A. Well, when we --</p> <p>8 MS. HUNKER: Objection, form.</p> <p>9 A. When we received a application, one of our 10 processes were to look at the application and if it was 11 missing any of the information, it automatically went 12 aside to one pile; and then all the other information, 13 anything that had other information, went to another.</p> <p>14 And they'll still get the same bar code, everything.</p> <p>15 Q. (By Ms. Perales) Okay. So let's take the 16 example of an ABBM that you received that didn't have 17 either a driver's license number or the last four of the 18 Social.</p> <p>19 A. Okay.</p> <p>20 Q. It's correct to say that you described that you 21 would put that ABBM that was missing ID, missing any ID 22 information, over to a pile; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. But would you still scan and barcode that ABBM?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q. After you did that for that particular ABBM, 2 what would you do with it next?</p> <p>3 A. We would submit it into the -- put it into the 4 system because the person is already a registered voter. 5 So what we did was we created a notice, and the notice 6 would state that it was either missing your Texas 7 Driver's License, Social Security or Texas ID.</p> <p>8 Q. When you say "we created a notice," you mean 9 Dallas County created a notice?</p> <p>10 A. Dallas -- Dallas County mail ballot staff, yes.</p> <p>11 Q. And that was because you didn't have a notice 12 from the Secretary of State that included informing the 13 voter that the ID number was missing or couldn't be 14 matched; isn't that right?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. I do not remember when the notice was given to 17 us, so...</p> <p>18 Q. (By Ms. Perales) Do you --</p> <p>19 A. I know the notice was given to us in January, 20 but I do not remember the date that the notice was given 21 to us.</p> <p>22 Q. Do you remember creating your own form before 23 you received the notice from the Secretary of State?</p> <p>24 A. No, we did not create our form.</p> <p>25 Q. All right. So before you received the notice</p>	<p style="text-align: right;">Page 96</p> <p>1 Security, we create a notice in VEMACS to say, Hey, this 2 is a multiple request, and the reason why.</p> <p>3 Q. Okay. And so would it be fair to say, then, 4 that there were notices created in VEMACS specifically 5 for people who didn't have an ID number on there or that 6 you couldn't match the ID number?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And does VEMACS -- now could you run a 9 report on VEMACS and ask it how many of those particular 10 ID-number-related notices went out?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So I understand that you would then 13 notify the voter that you were missing an ID number that 14 you could match for -- for their ABBM; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know, sitting here today, about how many 17 of those notices you sent out to voters -- or let me 18 phrase it another way. Do you know, sitting here today, 19 how many applications for ballot by mail you were unable 20 to process because they were missing an ID number or the 21 ID number that was provided by the voter could not be 22 matched to the registration record?</p> <p>23 A. Not offhand, no, I do not know the number.</p> <p>24 Q. Do you have that number somewhere in your 25 office?</p>
<p style="text-align: right;">Page 95</p> <p>1 or form notice from the Secretary of State, how were you 2 responding with these mail ballot applications that were 3 missing ID numbers?</p> <p>4 A. We already had forms, and that was already 5 created in our voter registration system, VEMACS. So 6 what we did was just put "other," and then we'll just 7 write on there, stating the fact -- what was missing.</p> <p>8 Q. Okay. Did you keep track of how many mail 9 ballot applications you were unable to process because 10 the ID numbers were either missing or you could not 11 match them to the voter's registration record?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And where did you keep that information?</p> <p>14 A. In the VEMACS voter registration system. And 15 let me -- let me go back to say we did create a notice. 16 We just created a notice in VEMACS, so...</p> <p>17 Q. When you say that in VEMACS you were able to 18 keep track of how many ABBMs you were not processing, 19 was VEMACS specific to which ABBMs you couldn't process 20 because of an ID number issue versus an ABBM that you 21 couldn't process because it was missing a signature or 22 something like that?</p> <p>23 A. Yes. Yes and no, because if it was a multiple 24 incompleteness, like someone failed to put their signature 25 or failed to put their driver's license and Social</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes.</p> <p>2 Q. My next question is whether you know -- let me 3 see.</p> <p>4 You know how many people submitted an 5 application for ballot by mail that you were able to 6 process and send a mail ballot, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know how many people initially sent you 9 an ABBM that you couldn't match the ID number and they 10 managed to cure that defect somehow by sending you 11 another ABBM that you could process?</p> <p>12 A. No, I do not know that number.</p> <p>13 Q. Do you know how many people sent you an ABBM 14 where you couldn't verify the ID number and, ultimately, 15 you never sent that person a mail ballot?</p> <p>16 A. Say that again.</p> <p>17 Q. I'll ask it a different way.</p> <p>18 Is it fair to say that some voters submitted an 19 ABBM and you weren't able to verify their number because 20 it was either missing or you didn't have that number in 21 your records and you sent that voter a notice with a new 22 ABBM and they were able to submit to you information 23 that you could verify and you sent them a mail ballot?</p> <p>24 MS. HUNKER: Objection, form.</p> <p>25 A. If they completed it and then everything was in</p>

<p style="text-align: right;">Page 98</p> <p>1 the system, correct, yes.</p> <p>2 Q. (By Ms. Perales) Okay. Now I'm asking about</p> <p>3 the other group of people.</p> <p>4 Do you have any idea about the number of people</p> <p>5 who submitted an ABBM and you couldn't verify their ID</p> <p>6 number and, ultimately, they were just never able to get</p> <p>7 a mail ballot; they never received a mail ballot from</p> <p>8 you?</p> <p>9 MS. HUNKER: Objection to form.</p> <p>10 A. I don't have a number for that, no.</p> <p>11 Q. (By Ms. Perales) Is there any way that we</p> <p>12 could figure out what that number is?</p> <p>13 A. Possibly, yes.</p> <p>14 Q. Okay. How would we try to figure out what that</p> <p>15 number is?</p> <p>16 A. Well, we can take a look at the list of</p> <p>17 rejection letters, a list of voters on the rejection</p> <p>18 list, compare them to the list of voters and to compare</p> <p>19 them, see if they went to the polls to vote or if they,</p> <p>20 in fact, did vote or if, in fact, they did re-- submit</p> <p>21 another ABBM application.</p> <p>22 Q. So we could compare the list of voters on the</p> <p>23 rejection list for ABBM and -- and compare them to</p> <p>24 voters who voted.</p> <p>25 Could we also compare the list of voters on the</p>	<p style="text-align: right;">Page 100</p> <p>1 whose ID number you couldn't verify.</p> <p>2 A. When you say "voter registration form," what</p> <p>3 kind of form are you asking about?</p> <p>4 Q. Update.</p> <p>5 MS. HUNKER: Objection, form.</p> <p>6 A. Can you explain to me what type of form? There</p> <p>7 are multiple forms for voter registrations.</p> <p>8 Q. (By Ms. Perales) Okay. Tell me how many voter</p> <p>9 registration forms you use here in Dallas County.</p> <p>10 A. We use a Statement of Residence, and we use</p> <p>11 a -- they have a Address Confirmation Form. They have</p> <p>12 the Voter Registration Application. That's a form,</p> <p>13 also, so...</p> <p>14 Q. Did you ever send a Voter Registration</p> <p>15 Application to a voter with a notice that you could not</p> <p>16 verify their ID number on their ABBM?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know how many of those you sent out?</p> <p>19 A. No.</p> <p>20 Q. So you did not keep track --</p> <p>21 A. No.</p> <p>22 Q. -- of that?</p> <p>23 At what point did you start sending</p> <p>24 applications for voter registration with the notice to</p> <p>25 the voter saying you couldn't match the ID number on the</p>
<p style="text-align: right;">Page 99</p> <p>1 rejection list for ABBMs with the list of voters who,</p> <p>2 ultimately, got mail ballots?</p> <p>3 A. Yes.</p> <p>4 Q. Did you communicate with voters in the weeks</p> <p>5 and months leading up to the March primary regarding</p> <p>6 this new requirement to match the ID number?</p> <p>7 A. No.</p> <p>8 Q. Who would be talking -- who in your office</p> <p>9 would be talking to voters who were contacting your</p> <p>10 office, for example, when they received a notice saying</p> <p>11 that their ID number could not be matched?</p> <p>12 A. Okay. Repeat the first question.</p> <p>13 Q. You -- if a voter received one of these</p> <p>14 notices --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- saying you couldn't verify their ID</p> <p>17 number --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- would it be fair to say that the voter was</p> <p>20 also receiving a new application for ballot by mail?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you ever send voter registration</p> <p>23 forms out to the voters, as well?</p> <p>24 A. A voter registration --</p> <p>25 Q. Form to -- a voter registration form to a voter</p>	<p style="text-align: right;">Page 101</p> <p>1 ABBM?</p> <p>2 A. That's hard. We've always sent Voter</p> <p>3 Registration Application forms with the ABBM if the</p> <p>4 voter -- even back then, if the voter's address wasn't</p> <p>5 the same address in the voter registration system as on</p> <p>6 the application, we would send a Voter Registration</p> <p>7 Form, so...</p> <p>8 Q. In terms of what was happening starting in</p> <p>9 January --</p> <p>10 A. Okay.</p> <p>11 Q. -- when you realized that there were voters who</p> <p>12 had submitted ABBMs and for whom you could not verify</p> <p>13 their number --</p> <p>14 A. Okay.</p> <p>15 Q. -- you -- you -- testified before you started</p> <p>16 sending them notices. But at what point, in either</p> <p>17 January or February, did you make the decision or did</p> <p>18 somebody make the decision at Dallas County to start</p> <p>19 sending Voter Registration Applications along with the</p> <p>20 notice, or was it simply from Day 1 you were doing that?</p> <p>21 A. We've always done it, Day 1.</p> <p>22 Q. Okay. And even with respect to the ID numbers.</p> <p>23 So are you saying that for every voter that you</p> <p>24 could not match the ID number on the ABBM, you were</p> <p>25 sending them Application for Voter Registration?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. That's what we're -- yes, that's what we're 2 supposed to do. Yes.</p> <p>3 Q. I'm going to go back to my question about 4 the -- the human beings in your office that communicate 5 with voters.</p> <p>6 If a voter --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- submitted an ABBM and then received back 9 from your office a notice saying that you couldn't 10 process their ABBM and then there's a Voter Registration 11 Application in there --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- and also a new ABBM --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- and that person wanted to call Dallas County 16 Elections and ask questions about that --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- who would that person have spoken to; who 19 would the voter have spoken to?</p> <p>20 A. Anyone who answered the telephone.</p> <p>21 Q. Okay. And you mentioned that you did not speak 22 to voters about that?</p> <p>23 A. I -- yes, I did speak to voters about that. I 24 maybe misunderstood your question.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. So, in your experience, many ABBMs were 2 coming to your office and the voter had failed to put 3 either a driver's license number or the last four of the 4 Social?</p> <p>5 A. Yes, or they forgot to put the correct 6 information that was on the voter registration file.</p> <p>7 Q. All right. So they might have put a driver's 8 license number when you had the last four of the Social?</p> <p>9 A. Yes.</p> <p>10 Q. Or vice versa?</p> <p>11 A. Or vice versa.</p> <p>12 Q. They might have put the last four of the Social 13 and you only had the driver's license --</p> <p>14 A. Yes.</p> <p>15 Q. -- number?</p> <p>16 A. Yes.</p> <p>17 Q. Did your office keep track of the number of 18 communications you got from voters with questions about 19 the new ID verification requirements?</p> <p>20 A. No, we did not.</p> <p>21 Q. Would you say that your office spent a 22 significant amount of time answering questions from 23 voters or responding to their inquiries about the new ID 24 requirements?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. I'm sorry.</p> <p>2 Q. So you were getting phone calls from voters 3 with questions about this process; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And generally, what were voters communicating 6 to you?</p> <p>7 A. The reason why they received the letter, what 8 was the letter for. If it was for missing their Social 9 Security or driver's license, we explained to the voter 10 that the only thing they had to do was put that on their 11 ABBM application.</p> <p>12 Q. Did you get any voters asking why they were 13 being sent a Voter Registration Application when they 14 knew they were already registered to vote?</p> <p>15 A. Yes. We informed them that their -- if, in 16 fact, if their voter registration record did not have 17 the Texas Driver's License or ID or Social Security, 18 that they would need to put that on their information -- 19 on their application. I'm sorry. We need to put it -- 20 have it on their voter registration record, also have it 21 on their ABBM application. But it was a very rarity 22 that we did get any of those and we had to send those 23 applications out to a voter, because most of the time we 24 will have the information on the voter registration 25 file, but it wasn't on the ABBM application.</p>	<p style="text-align: right;">Page 105</p> <p>1 MS. HUNKER: Objection, form.</p> <p>2 Q. (By Ms. Perales) Is there any way to get a 3 sense of how much time that was taking out of your 4 regular day? Can you describe that for me since you 5 didn't necessarily keep track of the number of calls?</p> <p>6 A. Repeat that again.</p> <p>7 Q. How can I -- how can I get a sense from you of 8 exactly how much time it was taking to respond to voter 9 inquiries if you're telling me you didn't necessarily 10 keep track of the number of phone calls that you were 11 getting? How can I understand how much time or how much 12 resources of your office were dedicated in the lead-up 13 to the March 2022 primary to answering questions from 14 voters who had rejected ABBMs, for example?</p> <p>15 A. That's hard to say. A call could take a 16 minute. Another call could take ten minutes. It's hard 17 to say.</p> <p>18 Q. Did you have particular staff that would -- 19 that these calls would get transferred to so they could 20 explain to the voters what the new requirements were?</p> <p>21 A. No. We have -- the way the system works is: 22 You call into our office. You can pick who you want to 23 speak to: mail ballot, absent- -- absentee, early 24 voting, voter registration. So if they had a absentee 25 or mail ballot question, they would click Number 1. And</p>

<p style="text-align: right;">Page 106</p> <p>1 then they'll get a person that's in mail ballot in my 2 office section. 3 Q. Would you say that you were spending more than 4 an hour a week responding to voters who were calling 5 with questions about the new ID requirements? 6 A. Yes. 7 Q. Can you give me a sense of how many hours a 8 week you spent responding to voter inquiries? 9 A. You get phone calls every day, all day long, 10 so... 11 Q. And specifically -- 12 A. That's more than an hour. 13 Q. Yes. And specifically, for these SB 1 14 ID requirements, can you tell me about how many hours 15 you might have spent either on a daily basis or a weekly 16 basis? 17 A. It could be first time we sign in the morning, 18 8:00 o'clock until we sign out at 4:30, we'll be getting 19 a phone call. So I don't -- I -- I don't understand the 20 question, how you're asking it. 21 Q. Uh-huh. So I'm hoping to get an understanding 22 of how these new ID number matching requirements under 23 SB 1 affected the workflow of your office. 24 So you'll agree with me that in elections prior 25 to the March primary 2022, you didn't have to answer any</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Would -- 2 A. I have a staff of eight in my office. All 3 eight will answer the phone. All eight would get a 4 phone call. 5 Q. Would -- 6 A. So that person may get ten calls in one day. 7 That person may get 20 calls in one day. I do not know. 8 Q. Would it be fair to say that most of the calls 9 that you were getting from voters with questions about 10 why their ABBM or mail ballot was rejected were calls 11 that were related to the new ID requirements for SB 1? 12 A. Yes. 13 MS. HUNKER: Objection, form. 14 Q. (By Ms. Perales) You mentioned there are eight 15 people in your office. Those are -- would that be 16 correct, then, to say that there are eight people whose 17 work is primarily dedicated to processing either 18 application for ballot by mail or mail ballots? 19 A. Yes. 20 Q. Were there voters who provided a number on 21 their ABBM that you were able to match and that you sent 22 them a mail ballot and then when you got the mail 23 ballots back, you could not match the ID number that had 24 been provided on the mail ballot envelope? 25 A. Yes.</p>
<p style="text-align: right;">Page 107</p> <p>1 questions from voters about their driver's license or 2 Social matching for their ABBM or their ballot, right? 3 A. Correct. We didn't have to answer those 4 questions before SB 1. 5 Q. And then after SB 1 and for the March 2022 6 primary, you did have to answer questions from voters 7 about those requirements, correct? 8 A. Yes. 9 Q. So how much time did it take you to answer 10 those types of questions from voters on SB 1-related 11 requirements once you started putting them into effect 12 for the March primary? 13 A. Are you asking me how long it took to answer a 14 phone call? 15 Q. Answer -- if we add it up, the time that you 16 spent talking to voters and responding to their 17 inquiries about the ID-matching-number requirements, if 18 we added up those minutes, what would that be like for 19 you? 20 A. Again, that's every day, all day. 21 Q. Okay. 22 A. I can't give you a -- a number, specific 23 number, because I don't have it. 24 Q. Okay. 25 A. We answer phone calls every day, all day long.</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Okay. Do you know about how many those were? 2 A. I do not know. 3 Q. Would we be able to figure it out by -- did 4 you -- I answered my own question. Let me start again. 5 Did you keep track of the voters for whom you 6 received a mail ballot, but you could not verify their 7 ID number in order to count that mail ballot? 8 A. Yes. 9 Q. Okay. And presumably, if they were sending you 10 a mail ballot, they had already managed to get 11 themselves through the ABBM process, right, by giving 12 you a number you could match? 13 A. Yes. 14 Q. Okay. But then, we have the number of people 15 who were sent mail ballots and then you get these mail 16 ballot back and you can't verify the number. That's 17 a -- that's, like, a known -- we could figure that out? 18 A. Yes. 19 Q. Okay. Did you ever advise a voter over the 20 phone what to do when they received a notice and a new 21 ABBM and maybe also a new Voter Registration 22 Application? Did you ever advise a voter on the phone, 23 like, This is what you have to do with these papers and 24 get them back to us so we can send you a mail ballot? 25 A. Yes.</p>

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<p>1 Q. Did you ever -- did you ever talk to a voter 2 for whom there wasn't enough time left, either for you 3 to send them those new materials or for them to return 4 those materials, and did you offer those voters a 5 different advice?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Tell me how that situation would come to 8 pass?</p> <p>9 A. Let's say if you sent in your information and 10 we sent you a notice back, and it was past the deadline 11 or you wouldn't have enough time to get into the mail, 12 if you received a ABBM, sent a ABBM in and a notice was 13 sent to you, then I would advise that voter to go to an 14 Early Voting location or go to the polls on Election Day 15 to vote in person. And then the ABBM application that I 16 sent back to you, just go ahead -- and I will let them 17 know to fill out everything completely, answer all the 18 questions, and mail it back to us, and then we'll get 19 you ready for the next election.</p> <p>20 Q. Okay. Did you ever have a voter tell you, in 21 response to that advice, that they -- they weren't 22 physically able to get to the poll to vote in person?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember what some of those reasons were 25 that the people were describing about themselves that</p>	<p>1 A. -- a box, yes.</p> <p>2 Q. -- on the ABBM?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And that continues through -- even 5 through the March primary of 2022?</p> <p>6 A. Yes.</p> <p>7 Q. And does that information go into your computer 8 system in any way?</p> <p>9 A. Yes.</p> <p>10 Q. So you could run a report, for example, how 11 many of your mail voters were sent a ballot because they 12 checked off over 65 versus disabled versus absent; is 13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. What system would produce that report; what's 16 the name of your system?</p> <p>17 A. VEMACS.</p> <p>18 Q. VEMACS.</p> <p>19 THE WITNESS: It's V-E-M-A-C-S.</p> <p>20 THE REPORTER: Thank you.</p> <p>21 Q. Thank you. I had completely gotten that wrong.</p> <p>22 A. A lot of people do. I'm sorry. And the 23 corporation is Votec that owns the VEMACS.</p> <p>24 THE REPORTER: I'm sorry?</p> <p>25 THE WITNESS: VOTEC, V-O-T-E-C.</p>
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<p>1 they weren't physically able to get --</p> <p>2 A. They said --</p> <p>3 Q. -- to the poll?</p> <p>4 A. -- they could not walk or they couldn't -- 5 didn't have a way or a car to get to the polls.</p> <p>6 Q. Okay. Were most of the people that you were 7 talking to over age 65?</p> <p>8 A. Yes.</p> <p>9 Q. Do you have data on what -- let's say for 10 pre-SB 1, what proportion of your mail voters fall into 11 the over-65 category versus disability versus absent 12 from the jurisdiction on Election Day?</p> <p>13 A. Yes.</p> <p>14 Q. For pre-SB 1?</p> <p>15 A. Yes, because, you know, we have the category. 16 We have -- they have to tell us how they are vot- -- why 17 they're voting mail ballot, so we have -- we put that 18 into our system, Y65, which is annual 65; YDS, which is 19 disabled; or REM (phonetics), out of county.</p> <p>20 Q. Okay.</p> <p>21 A. Uh-huh.</p> <p>22 Q. And that's because they check a box; isn't 23 that --</p> <p>24 A. They check --</p> <p>25 Q. -- right --</p>	<p>1 Q. Did you find yourself unable to process 2 applications for ballot by mail at a greater number 3 following SB 1's requirement to match an ID number?</p> <p>4 A. Yes.</p> <p>5 Q. And how do you know the numbers are greater 6 post SB 1?</p> <p>7 A. Because of the requirements of the driver's 8 license and the ID it didn't ask before.</p> <p>9 Q. All right. How do you know you were rejecting 10 more ABBMs and more mail ballots post SB 1? Like, how 11 do you know the volume was greater?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 A. How do I know the volume was greater?</p> <p>14 Q. (Moving head up and down.)</p> <p>15 A. By the numbers that we were putting into the 16 system of the notice codes, notices that we were sending out.</p> <p>17 THE REPORTER: I'm sorry. Can you repeat 18 your answer, and can you speak up just a little bit --</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 THE REPORTER: -- please.</p> <p>21 THE WITNESS: About how -- the 22 applications that we were putting into the systems, the 23 notices that we were generating to the voters.</p> <p>24 THE REPORTER: Thank you.</p> <p>25 Q. And I think you said notice codes?</p>

<p style="text-align: right;">Page 114</p> <p>1 A. Notice codes.</p> <p>2 Q. Were you here when Mr. Lopez testified that, at</p> <p>3 some point, Dallas County received an update from the</p> <p>4 Secretary of State in TEAMS or through TEAMS that gave</p> <p>5 you more ID numbers?</p> <p>6 A. Yes.</p> <p>7 Q. Were you familiar with that when it happened?</p> <p>8 A. He told me that it happened.</p> <p>9 Q. Okay. So do you know whether it got any easier</p> <p>10 to find a matching ID number at that point? Or -- I</p> <p>11 understand it was February.</p> <p>12 Was it too late at that point? Do you -- do</p> <p>13 you have any recollection of that?</p> <p>14 A. I do --</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. -- not know if it got easier or not.</p> <p>17 Q. (By Ms. Perales) Okay. Let me ask you another</p> <p>18 question about verifying the ID number.</p> <p>19 Would it be fair to say that when you received</p> <p>20 either an ABBM or a mail ballot, that you would take</p> <p>21 that number that was provided to you by the voter and</p> <p>22 look it up in the Dallas County voter roll for that</p> <p>23 voter? You would look up that voter in your own voter</p> <p>24 registration records to see if you could find a matching</p> <p>25 number?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. I see. So you would either -- you would -- you</p> <p>2 would find that voter as you were entering the</p> <p>3 information for the application --</p> <p>4 A. Yes.</p> <p>5 Q. -- for ballot by mail?</p> <p>6 A. Yes.</p> <p>7 Q. And she would -- Susan Smith, she would appear</p> <p>8 with the information that is associated with her voter</p> <p>9 registration record as maintained by Dallas County; is</p> <p>10 that right?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know if TEAMS does any automatic updates</p> <p>13 into your voter roll at Dallas County?</p> <p>14 A. That is a question for Rive Lopez.</p> <p>15 Q. Okay. I have a question about what we call the</p> <p>16 carrier envelope.</p> <p>17 A. Okay.</p> <p>18 Q. Is it fair to say that the mail ballot, itself,</p> <p>19 goes inside an envelope and then that envelope goes</p> <p>20 inside a mailing envelope?</p> <p>21 MS. HUNKER: Objection to form.</p> <p>22 Q. (By Ms. Perales) Help me understand because</p> <p>23 I've always had a sense that there are two envelopes</p> <p>24 involved, but I need some help understanding which one</p> <p>25 is the carrier envelope.</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Repeat that again.</p> <p>2 Q. Okay. Let's say you get either an ABBM or a</p> <p>3 mail ballot from Susan Smith, and there's a -- Susan has</p> <p>4 provided an ID number. It's either a ABBM or a mail</p> <p>5 ballot.</p> <p>6 What would you go looking at to try to match</p> <p>7 that number? You -- I think you said it would be Susan</p> <p>8 Smith's voter registration record; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And is that Susan Smith's voter registration</p> <p>11 record as maintained by Dallas County?</p> <p>12 A. Yes.</p> <p>13 Q. If you couldn't find a matching number in your</p> <p>14 Dallas County voter roll or voter registration record</p> <p>15 for Susan Smith, did you have another part of your</p> <p>16 process where you would try to find that number for</p> <p>17 Susan Smith maybe by doing an inquiry into TEAM?</p> <p>18 A. No, we wouldn't do an inquiry into TEAM. It had</p> <p>19 to be on our voter registration record roll.</p> <p>20 THE REPORTER: I'm sorry. It would have</p> <p>21 to be what?</p> <p>22 A. On our voter registration in VEMACS. So how we</p> <p>23 look it up is -- how we enter in the absentee</p> <p>24 application is the same way how we will look up a voter</p> <p>25 registration, the same way. So it's on the same screen.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Okay. So what we do is we have a mail ballot</p> <p>2 packet (indicating). We have -- for the primary 2020</p> <p>3 election, we had to use the white envelope. So we had a</p> <p>4 white mailing envelope. Then we had the white secrecy</p> <p>5 or ballot envelope. Then we have a carrier envelope,</p> <p>6 and then we have inserts.</p> <p>7 We put all those in a packet, along with the</p> <p>8 ballot, to the voter. The voter is -- are to return</p> <p>9 their voted ballot inside the ballot secrecy envelope,</p> <p>10 seal that, and take that and put it inside the carrier</p> <p>11 envelope. Before they close the carrier envelope, they</p> <p>12 are to put their identification there, close</p> <p>13 (indicating) the carrier envelope and, over the seal,</p> <p>14 sign their signature, and then mail that to us.</p> <p>15 Q. So the carrier envelope is the envelope that's</p> <p>16 handled, for example, by the US mail --</p> <p>17 A. Yes.</p> <p>18 Q. -- is that right?</p> <p>19 A. Yes.</p> <p>20 Q. And the secrecy envelope is the envelope that</p> <p>21 contains the voted ballot?</p> <p>22 A. Yes.</p> <p>23 Q. Thank you. Did you have any problems opening</p> <p>24 the envelope that had the flap (indicating) with the ID</p> <p>25 number written on it?</p>

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1 A. I do not open the envelope with the flap with 2 the ID number on it. 3 Q. Who does? 4 A. SVC. 5 Q. Okay. Did you hear of any problems the 6 Signature Verification Committee had getting those 7 envelopes open without destroying the number underneath? 8 A. Are you asking about opening the flap, or are 9 you asking about opening the envelope? 10 Q. Opening the flap. Who opens the flap? 11 A. I do. 12 Q. Okay. 13 A. I do. 14 Q. Did you have any problems opening the flap? 15 A. I hope not. I designed that flap -- 16 Q. Okay. 17 A. -- helped design it. No, just kidding. No. 18 Q. I just -- as we go around this day and we 19 talked to all these counties -- 20 A. Uh-huh. 21 Q. -- we get all kinds of stories. 22 A. We have -- we have -- the way we designed the 23 flap was pre-perf, and we just pull it back. 24 THE REPORTER: You said pre -- 25 THE WITNESS: Perf.	1 you sent them the notice and -- 2 A. Yes. 3 Q. Okay. And would that be because you just 4 didn't have their ID number that they provided in your 5 system? 6 A. Yes. 7 Q. And now I'm going to ask on the mail ballot 8 side, were there people who submitted a mail ballot to 9 you and you weren't able to verify that number and, 10 thus, you were not able to have that ballot counted? 11 MS. HUNKER: Objection, form. 12 A. I -- I don't feel comfortable answering that 13 question because I don't, you know, make the decisions 14 on that. Ballot Board does. Early Voting Ballot Board 15 does. 16 THE WITNESS: I'm sorry. Early Voting 17 Ballot Board. 18 THE REPORTER: Okay. 19 Q. Did you or anyone in your office speak to any 20 voters who told you that they just hadn't been able to 21 vote in the election because of the voter ID number 22 matching requirements or as a result of the voter ID 23 number matching requirements? 24 MS. HUNKER: Objection, form. 25 A. Yes.
Page 119	Page 121
1 THE REPORTER: Pre-perf. 2 THE WITNESS: Uh-huh. 3 THE REPORTER: Thank you. 4 Q. Pre-perforated? 5 A. Pre-perforated. I'm sorry. Yes. 6 Q. So you didn't have to use any tools or 7 implements to try to get that open? 8 A. No. 9 Q. That's probably worth a phone call with some 10 counties that I can recommend to. 11 And so do you think that there are voters in 12 Dallas County who submitted an ABBM, you couldn't match 13 their ID number and you sent them the notice and the new 14 materials, but they were never able to cure the ABBM 15 and, thus, did not vote? 16 MS. HUNKER: Objection, form. 17 A. Yes. 18 Q. (By Ms. Perales) Okay. And what would be the 19 reasons that they couldn't cure the ABBM? 20 A. What would be the reasons why? 21 Q. Yes. So, for example, one reason might be they 22 just didn't have enough time; they just didn't get it 23 done in time. 24 But were there people who gave you a number, 25 and you just simply weren't able to match it, even after	1 Q. (By Ms. Perales) Can you give me an example of 2 a person like that? Do you recall any specific -- 3 A. Of a voter who just could not get to the polls? 4 Q. Yes. 5 A. That's it. They couldn't -- they couldn't get 6 out of the house to get to the polls and that is their 7 only way of voting, was voting by mail. 8 Q. And a voter who you couldn't match their ID 9 number? 10 A. Yes. A lot of voters just got frustrated and 11 didn't -- wouldn't turn it back in. 12 Q. Do you receive mail ballots where another 13 individual has helped the voter, provided assistance to 14 that voter, and then signed that spot on the envelope 15 where they are supposed to sign? 16 A. Do I receive -- ask me that again. 17 Q. Yeah. Do you receive mail ballots that come 18 back to you and you can see that an assist or has 19 provided assistance to that voter? 20 A. Are you asking me do I receive the ABBM 21 application or the mail ballot? 22 Q. I was asking just about the mail ballot. 23 A. Do we see receive -- I can see that, yes. 24 Q. Do you record anywhere that a mail ballot came 25 to you and there's an indication that the voter received

<p style="text-align: right;">Page 122</p> <p>1 assistance?</p> <p>2 A. No, I do not.</p> <p>3 Q. So the only way we could figure out that number</p> <p>4 would be to go back through the envelopes; is that</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. That sounds time-consuming.</p> <p>8 A. Yes.</p> <p>9 Q. And now let me ask you about the application</p> <p>10 for ballot by mail. If a voter receives assistance in</p> <p>11 filling out the application for ballot by mail, do you</p> <p>12 keep track of that number anywhere?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. No, we do not keep track, but what I can say</p> <p>16 is: If a application come into our office and the --</p> <p>17 they have a witness here (indicating), but they didn't</p> <p>18 sign, then we send them that notice to the voter that</p> <p>19 it's not signed; or if they signed it down here and</p> <p>20 didn't fill out the information, then we send a notice</p> <p>21 (indicating) to that, but...</p> <p>22 Q. So only in a situation where you can tell that</p> <p>23 somebody provided assistance, but they didn't fill out</p> <p>24 the paperwork --</p> <p>25 A. If it's --</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Either they can call us on the phone and ask --</p> <p>2 request -- that person requesting for their ballot, can</p> <p>3 request a Spanish version of the ballot; or if it's a</p> <p>4 Vietnamese, they can call and request that; or they can</p> <p>5 submit a court request to us in writing, and they can</p> <p>6 also state that in writing, asking for that.</p> <p>7 Q. If someone calls your -- your mail voting</p> <p>8 group --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- and they're just speaking Spanish on the</p> <p>11 phone --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- what would -- how would you handle that</p> <p>14 call?</p> <p>15 A. Well, two ways, through the prompts in the</p> <p>16 system they call, we have a Spanish version. If they</p> <p>17 say, I would like to speak to a Spanish speaker, then</p> <p>18 they can still like that and then the phone call will go</p> <p>19 to a Spanish-speaker.</p> <p>20 If not, if we do get that call, then they'll</p> <p>21 ask us -- either speak to us in English or ask if they</p> <p>22 speak to someone in Spanish, and then we'll transfer</p> <p>23 that call to the person who's speaking Spanish.</p> <p>24 Q. Between you and the eight people that work with</p> <p>25 you --</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. -- correctly?</p> <p>2 A. -- incomplete, yes.</p> <p>3 Q. Okay. Do you send out mail ballots in Spanish?</p> <p>4 A. If it's requ- -- if it's requested, yes.</p> <p>5 Q. Is your mail ballot bilingual in the sense</p> <p>6 that --</p> <p>7 A. Well, let me --</p> <p>8 Q. -- it has English and Spanish?</p> <p>9 A. I'm sorry. Rephrase that. Let me say: Are</p> <p>10 you asking the ballot or the mail ballot?</p> <p>11 Q. So let me ask you first about the mai- -- the</p> <p>12 ballot, itself.</p> <p>13 A. The ballot, itself?</p> <p>14 Q. Is the ballot bilingual, or does it kind --</p> <p>15 A. Trilingual.</p> <p>16 Q. It's trilingual.</p> <p>17 A. English, Spanish and Vietnamese now.</p> <p>18 Q. Okay. And so the mail ballot has all three of</p> <p>19 those languages on it?</p> <p>20 A. The ballot has it, yes.</p> <p>21 Q. Okay. Now, for application for ballot by mail,</p> <p>22 if somebody is Spanish-speaking --</p> <p>23 A. Yes.</p> <p>24 Q. -- how could they make sure that you send them</p> <p>25 a Spanish language application for ballot by mail?</p>	<p style="text-align: right;">Page 125</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- in the mail-ballot group, do you have any</p> <p>3 Spanish speakers?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any Vietnamese speakers?</p> <p>6 A. In my department, no. But in the office, yes,</p> <p>7 we have one.</p> <p>8 Q. Are the language prompts in your system yet for</p> <p>9 someone to call Dallas County Elections and get a prompt</p> <p>10 for -- if you need to speak -- if you need to hear this</p> <p>11 message in Vietnamese, press whatever?</p> <p>12 A. I do not know.</p> <p>13 Q. Because it's new?</p> <p>14 A. It's new.</p> <p>15 Q. Okay.</p> <p>16 A. It may be. I just don't know.</p> <p>17 Q. I want to ask you now about guidance from the</p> <p>18 Secretary of State's office during this process,</p> <p>19 starting January 1 of 2022.</p> <p>20 A. Okay.</p> <p>21 Q. Was there a time when your office was making</p> <p>22 decisions about how to implement the new ID number</p> <p>23 matching requirements and you had not yet received</p> <p>24 guidance from the Secretary of State's office?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 126</p> <p>1 MS. HUNKER: Objection, form.</p> <p>2 Q. (By Ms. Perales) Give me an example of that.</p> <p>3 A. How we were going to handle the notices for the</p> <p>4 missing or incorrect driver license, Texas ID or Social</p> <p>5 Security; that was mostly that there.</p> <p>6 Q. Okay.</p> <p>7 A. And then how we was notifying the voters,</p> <p>8 sending the notices out.</p> <p>9 Q. So you had to make those decisions as Dallas</p> <p>10 County, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you, in your job, ever talk to people at the</p> <p>13 Secretary of State's office?</p> <p>14 A. Yes.</p> <p>15 Q. And did you ask for guidance on some of these</p> <p>16 ID matching requirements for SB 1 from the Secretary of</p> <p>17 State?</p> <p>18 A. Did I ask for guidance from the Secretar- --</p> <p>19 no.</p> <p>20 Q. Did you have communications with anyone in the</p> <p>21 Secretary of State's office, from January 1 until the</p> <p>22 March primary date, about the signature -- or not the</p> <p>23 signature, about the ID number matching requirements and</p> <p>24 how to implement them in Dallas County?</p> <p>25 A. Repeat that again.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. And then you also mentioned emails.</p> <p>2 A. Yes.</p> <p>3 Q. So, in your email account for where you are at</p> <p>4 your office, there's going to be emails going back and</p> <p>5 forth between you and people who work for the Secretary</p> <p>6 of State about implementing SB 1?</p> <p>7 A. Yes. They would send us the elections intranet</p> <p>8 advisories, emails --</p> <p>9 Q. Okay.</p> <p>10 A. -- letting us know the new notices --</p> <p>11 Q. Uh-huh.</p> <p>12 A. -- giving us the webinar dates that they was</p> <p>13 holding to put out --</p> <p>14 Q. Okay.</p> <p>15 A. -- and sending out the -- like I said, the</p> <p>16 notices and the dates and the deadlines.</p> <p>17 Q. So there are emails from the Secretary of</p> <p>18 State's office that kind of went to all the counties on</p> <p>19 the same basis with --</p> <p>20 A. Yes.</p> <p>21 Q. -- this new information?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever have email or -- or other</p> <p>24 communication back and forth with the Secretary of State</p> <p>25 between January 1 and the March primary that was just</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Did you ever have communication with the</p> <p>2 Secretary of State's office about implementing these ID</p> <p>3 number matching requirements between January 1 and the</p> <p>4 date of the election?</p> <p>5 A. Yes, emails and web- -- webinars and some --</p> <p>6 THE REPORTER: I'm sorry. Emails and</p> <p>7 what?</p> <p>8 THE WITNESS: Webinar- -- webinars.</p> <p>9 Webinars.</p> <p>10 Q. And so at some point, the Secretary of State</p> <p>11 offered a webinar for implementing SB 1?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember about when that was?</p> <p>14 A. No, I do not.</p> <p>15 Q. Was it already when early voting or mail voting</p> <p>16 was underway for you in Dallas County?</p> <p>17 A. Mail voting began on January 1st, 2022. We did</p> <p>18 receive a template and guidelines on how to do the</p> <p>19 carrier envelopes, and we received that in December of</p> <p>20 2021, so...</p> <p>21 Q. Okay. And then from January 1 to the March</p> <p>22 primary election day, you mentioned a webinar.</p> <p>23 Do you remember more or less when that</p> <p>24 happened?</p> <p>25 A. No, I do not.</p>	<p style="text-align: right;">Page 129</p> <p>1 you and somebody over there, that was not to all the</p> <p>2 counties?</p> <p>3 A. Yes.</p> <p>4 Q. And what -- what were those types of emails</p> <p>5 that were just specific to you and them?</p> <p>6 A. One of the -- Emily Harwell (phonetics) -- I</p> <p>7 believe that's her name -- she's the representative for</p> <p>8 Dallas County. She would send us back email- --</p> <p>9 actually, me a email to let me know if something needed</p> <p>10 to be done in TEAMS or I needed to fix something in</p> <p>11 TEAMS or fix something with my county to send to TEAMS.</p> <p>12 Q. And Emily Harwell is with the Secretary of</p> <p>13 State?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And she would send you that message</p> <p>16 about fixing things in TEAMS?</p> <p>17 A. She would send me that message and others in</p> <p>18 the office that message.</p> <p>19 Q. Including Mr. Lopez?</p> <p>20 A. Sometime Mr. Lopez, sometime Mr. Scarpello --</p> <p>21 Q. Okay.</p> <p>22 A. -- and to me, also.</p> <p>23 Q. And when you were interacting with TEAMS, this</p> <p>24 was specific to mail ballots or ABBMs, or it just was --</p> <p>25 A. ABBMs, mail ballots, the ballot tracker, yes --</p>

<p>1 Q. So --</p> <p>2 A. -- because we have to send something to the</p> <p>3 TEAMS so it can get submitted to the ballot tracker, on</p> <p>4 the ballot tracker.</p> <p>5 Q. So she was telling you to put something in</p> <p>6 TEAMS?</p> <p>7 A. She was saying something I had missing, if I --</p> <p>8 if I failed to have something, like, if -- let's say you</p> <p>9 sent in an application for ballot by mail and the</p> <p>10 request didn't go through first and then it said that I</p> <p>11 mailed the ballot out to you, there's a order of steps</p> <p>12 to send stuff to TEAMS.</p> <p>13 So first I have to send in that say, Hey, Nina</p> <p>14 Perales requested a application for ballot by mail.</p> <p>15 Then the next thing I have to send is that I sent Nina</p> <p>16 her ballot. And then -- then I have to send something</p> <p>17 back that's saying that Nina did, in fact, send her</p> <p>18 ballot to us.</p> <p>19 Q. Uh-huh.</p> <p>20 A. Or I had one of the situations where, when we</p> <p>21 was trying to get a clear understanding of our voter</p> <p>22 registration system cancel -- like, say -- let's say if</p> <p>23 you did receive a request for a ballot by mail and you</p> <p>24 decided to go to polls to vote, we had to clear you out</p> <p>25 the system.</p>	Page 130	Page 132
<p>1 Q. Uh-huh.</p> <p>2 A. Well, our voter registration system at the time</p> <p>3 wouldn't -- didn't send that information to TEAMS</p> <p>4 because it didn't have to. But now -- now with the SB 1</p> <p>5 law, you have to; so she let us know about that, told us</p> <p>6 about that.</p> <p>7 Q. And would you have to do that in TEAMS voter by</p> <p>8 voter, individually?</p> <p>9 A. Oh, no, no.</p> <p>10 Q. Okay.</p> <p>11 A. No, we would just have to send an export to</p> <p>12 TEAMS.</p> <p>13 Q. Okay. So there was some point at which the</p> <p>14 export would be sent out to TEAMS?</p> <p>15 A. Yes.</p> <p>16 Q. And you could do more than one voter at a time?</p> <p>17 A. We could -- yes.</p> <p>18 Q. So when you were -- is it correct to say that</p> <p>19 you were using VEMACS to record, for example, when you</p> <p>20 received a request for application for ballot by mail or</p> <p>21 that you sent out an application for ballot by mail, you</p> <p>22 would be using VEMACS; is that --</p> <p>23 A. Yes.</p> <p>24 Q. -- right?</p> <p>25 So VEMACS wasn't automatically talking to TEAM?</p>	Page 131	Page 133

<p>1 ahead. Now start. Thank you.</p> <p>2 A. With the husband and wife situation, husband</p> <p>3 calls, requests for a ballot by mail. He wants to</p> <p>4 request one for his wife. We would tell him, no, we</p> <p>5 have to speak to the wife. Wife -- and he would say,</p> <p>6 "The wife is at work."</p> <p>7 And I said, "Well, she'll have to call us back</p> <p>8 later."</p> <p>9 Q. Okay. Was there ever an instance where the</p> <p>10 person could not tell you over the phone -- that they</p> <p>11 were there, but they could not communicate to you?</p> <p>12 A. No, not -- not to my knowledge (indicating).</p> <p>13 Q. Okay. And then have you heard from anybody</p> <p>14 else in your staff that they had a situation where the</p> <p>15 voter could not communicate that they needed the ballot</p> <p>16 and that's why this other person was calling on their</p> <p>17 behalf?</p> <p>18 MS. HUNKER: Objection, form.</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. (By Ms. Perales) Okay. Let me ask you about</p> <p>21 the ballot tracker because that's --</p> <p>22 A. Okay.</p> <p>23 Q. -- the next thing on my list.</p> <p>24 To the best of your knowledge, when did the</p> <p>25 ballot tracker become available for Dallas County people</p>	Page 134	<p>1 last four of the Social in order for the voter to get</p> <p>2 into the system?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And so if the voter put in their</p> <p>5 driver's license number and the last four of their</p> <p>6 Social, but one of those numbers was missing from their</p> <p>7 voter registration record, is it correct to say, then,</p> <p>8 that they could not access the ballot tracker?</p> <p>9 A. Yes.</p> <p>10 Q. Did you have anybody contact your office to</p> <p>11 tell you about that?</p> <p>12 A. Yes.</p> <p>13 Q. More than ten people?</p> <p>14 A. Yes.</p> <p>15 Q. Did you offer any advice to those voters about</p> <p>16 how to access the ballot tracker system when they were</p> <p>17 providing their ID numbers, but it -- it just wasn't</p> <p>18 letting them in?</p> <p>19 A. Yes.</p> <p>20 Q. And what did you tell them?</p> <p>21 A. Well, if I was speaking to the voter, then I</p> <p>22 would look up their voter registration information, and</p> <p>23 I advised them what they had in the system.</p> <p>24 Q. And did you ever look up a voter and find that</p> <p>25 there was a driver's license number, but no last four of</p>	Page 136
<p>1 to use to track their ballots?</p> <p>2 A. I do not know.</p> <p>3 Q. Okay. Did you ever advise a voter to try to</p> <p>4 use the ballot tracker to put ID number information in</p> <p>5 there so that they could vote by mail?</p> <p>6 A. From my knowledge, you cannot put ID</p> <p>7 information in the ballot tracker.</p> <p>8 Q. So what do you know about the ballot tracker?</p> <p>9 What is --</p> <p>10 A. The ballot tracker is a device that the voter</p> <p>11 can look up to track their ballot to see if their</p> <p>12 application was accepted, if their ballot was mailed to</p> <p>13 them and when the ballot was returned -- when they</p> <p>14 mailed the ballot back to the county, and if the ballot</p> <p>15 was received.</p> <p>16 Q. Do you know what information the voter has to</p> <p>17 put into the ballot tracker to access that information?</p> <p>18 A. Yes.</p> <p>19 Q. What is that information?</p> <p>20 A. They have to put their name -- first name, last</p> <p>21 name, date of birth, driver's license, Social Security,</p> <p>22 address, the county that they live in.</p> <p>23 Q. Uh-huh. Do you know if, in order to get into</p> <p>24 the ballot tracker, that the system, the ballot tracker</p> <p>25 system, had to match the voter's driver's license and</p>	Page 135	<p>1 the Social?</p> <p>2 A. Yes.</p> <p>3 Q. Did you ever look up a voter and see that there</p> <p>4 was the last four of the Social, but no driver's license</p> <p>5 number?</p> <p>6 A. I don't recall doing that, remember that one.</p> <p>7 Q. Was it more the -- more often the case that a</p> <p>8 voter's driver's license number was in their</p> <p>9 registration record, but not the last four of their</p> <p>10 Social?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know, when a person fills out a voter</p> <p>13 registration application, whether they have to provide</p> <p>14 both the driver's license number and the last four of</p> <p>15 the Social or if they can just provide the driver's</p> <p>16 license number and be accepted for voter registration?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 A. On the voter registration application, it</p> <p>19 does -- it has the question for both, but it says "or,"</p> <p>20 either-or.</p> <p>21 Q. Is it also the case that you have voters</p> <p>22 registered to vote in Dallas County who registered to</p> <p>23 vote before the voter registration application asked for</p> <p>24 either the driver's license number or the last four of</p> <p>25 the Social?</p>	Page 137

<p style="text-align: right;">Page 138</p> <p>1 A. Yes.</p> <p>2 Q. And do you know when the voter registration 3 form started asking for that information?</p> <p>4 A. No.</p> <p>5 Q. And so did you ever hear that somebody could 6 access the ballot tracker to try to cure their 7 application for a ballot by mail or cure the ID number 8 information for a mail ballot?</p> <p>9 A. Say that again, please.</p> <p>10 Q. Did you ever hear that somebody could access 11 the ballot tracker and then provide ID number 12 information that would allow them to, essentially, cure 13 either an ABBM or a mail ballot for which you could not 14 match (indicating) the ID number?</p> <p>15 A. No --</p> <p>16 MS. HUNKER: Objection, form.</p> <p>17 A. -- I did not hear anyone be able to access the 18 ballot tracker to cure.</p> <p>19 Q. (By Ms. Perales) I see. So you received 20 information from voters saying they could not get into 21 the ballot tracker?</p> <p>22 A. Yes.</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 Q. (By Ms. Perales) Did you ever talk to a voter 25 who said, Yes, I am in the ballot tracker, but had some</p>	<p style="text-align: right;">Page 140</p> <p>1 gives a lot of ways for you to cure. So I couldn't 2 really tell you more about the ballot tracker because I 3 didn't design it or --</p> <p>4 Q. Okay.</p> <p>5 A. -- work on it that much.</p> <p>6 Q. Would you say that Dallas County experienced 7 problems associated with the new voter ID number 8 matching requirements in SB 1?</p> <p>9 MS. HUNKER: Objection to form.</p> <p>10 A. What type of problems?</p> <p>11 Q. (By Ms. Perales) Well, really, any kind of 12 problem. So the topic on which you've been designated 13 is, quote, any issues, problems, concerns, or 14 difficulties you experienced because of the challenged 15 provisions of the SB 1, unquote.</p> <p>16 So there's a lot of SB 1 that's at issue in 17 this lawsuit, but I wanted to ask specifically for 18 mail -- just for now, mail ballot ID matching 19 requirements, whether your office experienced any 20 issues, problems, concerns with that?</p> <p>21 A. I would say educating the voters that call on a 22 telephone, explaining to them why they have to have 23 their Texas Driver's License or their Social Security on 24 their application now in order to vote by mail.</p> <p>25 I would say talking to them about -- talking to</p>
<p style="text-align: right;">Page 139</p> <p>1 other question for you --</p> <p>2 A. Yes.</p> <p>3 Q. -- that they -- okay.</p> <p>4 So some people you did hear from were able to 5 get into the ballot tracker?</p> <p>6 A. Yes.</p> <p>7 Q. And why would they be calling you at that point 8 if they were already in?</p> <p>9 A. They wanted to know why their ballot or their 10 application was in question.</p> <p>11 Q. Okay. And when you say "in question," do you 12 know how they would see that in the ballot tracker?</p> <p>13 A. It would say, I believe, it was under review.</p> <p>14 Q. Under review. Okay. And what were -- was the 15 ID number mismatch a reason why it would be under 16 review, or what would typically be a reason that it 17 would be under review?</p> <p>18 A. With the new SB law, it gives a lot of options 19 to cure your absentee ballot by mail --</p> <p>20 Q. Uh-huh.</p> <p>21 A. -- or your -- I mean, your application or your 22 ballot by mail. No driver license, no Social Security, 23 mismatched driver license and mismatched Social 24 Security, no signature. If no signature, then -- if it 25 was a mismatched signature, a witness statement. It</p>	<p style="text-align: right;">Page 141</p> <p>1 the voter on the telephone, trying to get them to -- on 2 the ballot tracker, how to access the ballot tracker, 3 what information to put on the ballot tracker, that 4 concern. The longer hours that we probably worked for 5 filling -- doing the -- doing the notices, putting in 6 the notices, that right there. I'd -- I'd -- I would 7 say something like that.</p> <p>8 Q. Did you ever try -- well, let me ask you this.</p> <p>9 Was Dallas County receiving inquiries from 10 either the public or the media about the impact of SB 11 1's ID matching requirements on mail voting?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 A. Yes.</p> <p>14 Q. (By Ms. Perales) And were you responsible for 15 pulling together some of the information to respond to 16 these inquiries?</p> <p>17 A. Yes.</p> <p>18 Q. Did you ever pull together information that 19 would allow you to understand how many people ended up 20 not voting as a result of your inability to match their 21 ID number?</p> <p>22 A. No.</p> <p>23 Q. Okay. What were the sorts of requests that 24 were coming from either the media or the public?</p> <p>25 A. They just wanted to know how many people were</p>

<p style="text-align: right;">Page 142</p> <p>1 being rejected for -- they wanted to know the rates and 2 the number of how many people were being rejected for -- 3 because of the SB 1.</p> <p>4 Q. Okay. And you put that information together 5 for them when they would ask?</p> <p>6 A. I ran the report, yes.</p> <p>7 Q. But on those rejections, is it fair to say that 8 some of those people would have gotten something from 9 you in the mail and may or may not have been able to, 10 for example, submit an ABBM that you could process?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Looking forward to the November 2022 13 election, do you anticipate that there are going to be 14 voters who submit ABBMs and you cannot match the number 15 that they provide on the ABBM to the voter registration 16 record?</p> <p>17 A. Yes.</p> <p>18 Q. Is it true that more voters vote in the general 19 than in the primary?</p> <p>20 A. Yes.</p> <p>21 Q. So there might be people who haven't even 22 encountered these SB 1 requirements yet because they 23 chose not to vote in the primary, but they plan to vote 24 in the general?</p> <p>25 MS. HUNKER: Objection --</p>	<p style="text-align: right;">Page 144</p> <p>1 license number?</p> <p>2 A. That would be for the Voter Registration 3 Manager, Rivelino Lopez.</p> <p>4 Q. And then finally, do you know if it's possible 5 to identify the number of voters who lack both numbers 6 in your voter registration records?</p> <p>7 A. Voter Registration Manager, Rivelino Lopez.</p> <p>8 Q. Are you taking any steps, looking forward to 9 the November 2022 election and these SB 1 requirements 10 for mail voting, to try to prepare your office for what 11 you are anticipating will happen in November? So, for 12 example, are you doing anything different, in terms of 13 either training or who -- how many people you're 14 planning to hire, either for temp or permanent because 15 of what you anticipate will be happening with mail 16 voting and this ID number matching requirement?</p> <p>17 A. We always prepare for the election the same 18 steps. So if it's for the November '22 or for this 19 upcoming primary election, March runoff --</p> <p>20 Q. Uh-huh.</p> <p>21 A. -- the same steps.</p> <p>22 Q. Do you have local elections on May 7?</p> <p>23 A. May 7, yes.</p> <p>24 Q. Are you in --</p> <p>25 A. Like, it's a May -- it's a local and a state</p>
<p style="text-align: right;">Page 143</p> <p>1 A. There might --</p> <p>2 MS. HUNKER: -- form.</p> <p>3 A. There might be.</p> <p>4 Q. (By Ms. Perales) And similarly, do you 5 anticipate that you're going to receive mail ballots 6 from voters that you cannot count because you can't 7 match their ID number?</p> <p>8 MS. HUNKER: Objection, form.</p> <p>9 A. Are you asking me about the ballots?</p> <p>10 Q. (By Ms. Perales) Yes. Do you anticipate --</p> <p>11 A. Ma'am, I -- I'm not Early Voting Ballot Board, 12 so I don't count ballots.</p> <p>13 Q. Okay. Do you have a sense right now of how 14 many voters in Dallas County for whom you have a 15 driver's license number, but no last four of the Social?</p> <p>16 A. No.</p> <p>17 Q. Is there a way to run a report that shows you 18 the voters for whom you have a driver's license number, 19 but no last four of the Social?</p> <p>20 A. That would be for the Voter Registration 21 Manager, Rivelino Lopez.</p> <p>22 Q. And then I just have to ask this question vice 23 versa. Do you -- do you know whether it's possible to 24 figure out how many voters in Dallas County for whom you 25 have the last four of the Social, but no driver's</p>	<p style="text-align: right;">Page 145</p> <p>1 election.</p> <p>2 Q. Yes, local and state for May 7.</p> <p>3 Are you currently rejecting ABBMs for the May 7 4 election?</p> <p>5 A. ABBM applications?</p> <p>6 Q. Yes, ABBM applications.</p> <p>7 A. That would have already occurred. The deadline 8 for that cutoff was April the 26th.</p> <p>9 Q. Okay. So about three days ago?</p> <p>10 A. Yes.</p> <p>11 Q. Did you find yourself rejecting applications 12 for ballot by mail because you were unable to match the 13 ID number?</p> <p>14 A. Maybe so. I do not know.</p> <p>15 Q. Okay.</p> <p>16 A. I didn't run the numbers on that.</p> <p>17 Q. All right. Do you know if your office was 18 sending out any notices with new application for ballot 19 by mail forms on the basis of being unable to match the 20 ID number?</p> <p>21 A. Maybe. Probably so.</p> <p>22 Q. Okay. And have you received any mail ballots 23 that you know were not counted because of an inability 24 to match the ID number for the May 7 election?</p> <p>25 A. For the mail ballots?</p>

<p style="text-align: right;">Page 146</p> <p>1 Q. Yes. If any mail ballots have not been able to 2 get counted because of the inability to match the ID 3 number.</p> <p>4 A. Technically --</p> <p>5 MS. HUNKER: Objection, form.</p> <p>6 A. -- we cannot count the ballots yet. And also 7 we -- they have a cure period, so there's no final 8 rejection until after the cure period.</p> <p>9 Q. (By Ms. Perales) Thank you for that.</p> <p>10 A. Uh-huh.</p> <p>11 THE REPORTER: Now, you said there's no 12 final -- there's no --</p> <p>13 THE WITNESS: No final rejection until 14 after the cure period.</p> <p>15 Q. And the cure period is a certain number of days 16 after --</p> <p>17 A. Six days after the election.</p> <p>18 THE REPORTER: I'm sorry.</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 THE REPORTER: If you'll please let her 21 get the whole question out -- thank you -- before you 22 start your answer.</p> <p>23 THE WITNESS: Do you need me to say --</p> <p>24 THE REPORTER: It's okay, I think.</p> <p>25 THE WITNESS: You got it.</p>	<p style="text-align: right;">Page 148</p> <p>1 for example, changes to how someone provides assistance 2 to a voter in the polling place?</p> <p>3 A. I do not --</p> <p>4 MS. HUNKER: Objection --</p> <p>5 A. -- know.</p> <p>6 MS. HUNKER: -- form.</p> <p>7 Q. (By Ms. Perales) Okay. Would you say, then, 8 that your knowledge of any issues, problems or concerns 9 your department has experienced or Dallas County 10 Elections has experienced because of the challenge 11 provisions of SB 1 are limited to mail voting?</p> <p>12 A. Can you repeat that, please?</p> <p>13 Q. Uh-huh. Would you say that your knowledge of 14 issues, problems or concerns, experienced by Dallas 15 County Elections because of SB 1 is limited to mail 16 voting?</p> <p>17 A. I don't know if I can say that.</p> <p>18 Q. Are you aware of any issues, problems or 19 concerns that Dallas County Elections has with SB 1 20 beyond mail voting?</p> <p>21 A. No, I'm not aware.</p> <p>22 Q. Would you -- would you necessarily know, for 23 example, if Dallas County Elections was having problems, 24 for example, with implementing SB 1's new requirements 25 on providing assistance to voters inside the polling</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. Are you receiving any applications for ballot 2 by mail for the May 24 election?</p> <p>3 A. Yes.</p> <p>4 Q. All right. Do you know if you've had any 5 applications for ballot by mail for May 24 that you were 6 unable to process because you couldn't match the ID 7 number?</p> <p>8 A. Yes.</p> <p>9 Q. And have you been sending out notices and new 10 application for ballot by mail forms to those voters?</p> <p>11 A. Yes.</p> <p>12 Q. And could you run a report, for example, today 13 that tells you how many of these voters you've sent that 14 notice to?</p> <p>15 A. Yes.</p> <p>16 Q. And the reason code would be there for not 17 being able to match that ID number?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. But I couldn't give you that information until 21 after the election.</p> <p>22 Q. Oh, okay. Good to know.</p> <p>23 Do you have any knowledge about any issues or 24 problems or concerns that your office would have had 25 related to other parts of SB 1 besides mail voting? So,</p>	<p style="text-align: right;">Page 149</p> <p>1 place? Would you be the person that would know if there 2 were problems --</p> <p>3 A. No --</p> <p>4 Q. -- with that?</p> <p>5 A. -- I would not be.</p> <p>6 Q. Okay.</p> <p>7 MS. PERALES: I need to go off the record 8 for a couple of minutes.</p> <p>9 THE WITNESS: Okay.</p> <p>10 THE VIDEOGRAPHER: Okay. We're going off 11 the record. The time is 2:02 p.m.</p> <p>12 (Break taken.)</p> <p>13 THE VIDEOGRAPHER: All right. We're back 14 on the record. The time is 12 -- 2:12 p.m.</p> <p>15 MS. PERALES: I pass the witness.</p> <p>16 MR. WHITE: I don't have any questions for 17 Ms. Phillips.</p> <p>18 MS. HUNKER: Does anybody on the Zoom call 19 have any questions for Ms. Phillips?</p> <p>20 MS. BENDER: I would like to ask a few 21 questions on behalf of the United States.</p> <p>22 MS. PERALES: Would you mind flipping it 23 around (to the Videographer)?</p> <p>24 (Laptop adjusted.)</p> <p>25 EXAMINATION</p>

<p>1 BY MS. BENDER:</p> <p>2 Q. Okay. Ms. Phillips, thank you for being here</p> <p>3 today. I just had a few follow-up questions for you</p> <p>4 based upon your conversation earlier.</p> <p>5 So you talked earlier about looking up an</p> <p>6 individual --</p> <p>7 (Lights went off in the room.)</p> <p>8 THE REPORTER: Do y'all want to go off the</p> <p>9 record?</p> <p>10 MR. BENDER: Yeah.</p> <p>11 MS. PERALES: Yeah.</p> <p>12 THE REPORTER: Can we go off the record?</p> <p>13 THE VIDEOGRAPHER: Okay. We're going off</p> <p>14 record at 2:13.</p> <p>15 (Discussion off the record.)</p> <p>16 THE VIDEOGRAPHER: Okay. We are back on</p> <p>17 the record at 2:15 p.m.</p> <p>18 MS. PERALES: Brady, we need you to start</p> <p>19 again, but also to start by saying who you are.</p> <p>20 MS. BENDER: Yes. Hi. So this is Brady</p> <p>21 Bender. I represent the United States.</p> <p>22 Q. (By Ms. Bender) So I just have a few questions</p> <p>23 to follow up on the conversation from earlier. You had</p> <p>24 talked earlier about looking up an individual voter in</p> <p>25 VEMAC when you were -- received an ABBM or carrier</p>	Page 150	<p>1 would you look them up using different information?</p> <p>2 A. With the mail ballot carrier envelope, with the</p> <p>3 VEMACS voter reg- -- VEMAC system, it creates a label;</p> <p>4 and the label has a bar code on there. Also it has the</p> <p>5 voter's -- voter's certificate, which is in-house in</p> <p>6 V- -- in VR system.</p> <p>7 Q. Okay. And you said you would use the label</p> <p>8 information --</p> <p>9 A. Yes.</p> <p>10 Q. -- to look them up?</p> <p>11 A. Yes.</p> <p>12 Q. Before SB 1, how long, on average, would you</p> <p>13 estimate that it took your office to process an ABBM?</p> <p>14 A. Maybe a minute or less.</p> <p>15 Q. And after SB 1, how long would you estimate for</p> <p>16 your office to process an ABBM?</p> <p>17 A. Maybe a minute or less. About the same time.</p> <p>18 It's actually --</p> <p>19 Q. Okay.</p> <p>20 A. -- verifying, looking up the voter.</p> <p>21 Q. Okay. Before SB 1, how long would you estimate</p> <p>22 it took to process a mail ballot carrier en- --</p> <p>23 A. I --</p> <p>24 MS. HUNKER: Objection, form.</p> <p>25 A. -- could not guess on that because I do not</p>	Page 152
<p>1 envelope.</p> <p>2 When you received an application for ballot by</p> <p>3 mail or a carrier envelope before SB 1, how would you</p> <p>4 find the voter in your database to confirm eligibility</p> <p>5 and registration?</p> <p>6 A. By looking them up in VEMACS, the same way --</p> <p>7 Q. So what do you confirm --</p> <p>8 A. We will use the voter's last name, first name.</p> <p>9 The application always asks for a date of birth. It</p> <p>10 wasn't required, but they can put it on there, or we</p> <p>11 will look up through their address.</p> <p>12 Q. Okay. And when you receive an ABBM or mail</p> <p>13 ballot carrier envelope after SB 1, how do you find the</p> <p>14 voter in your database?</p> <p>15 A. Are you asking for the ABBM or the carrier</p> <p>16 envelope?</p> <p>17 Q. Either one. If they are different, then let's</p> <p>18 start with the ABBM.</p> <p>19 A. Okay. If we are looking up for ABB- -- ABBM</p> <p>20 application, we would still look them up by the first</p> <p>21 name, last name, date of birth. Since they did provide</p> <p>22 a driver's license or the last four digits of Social</p> <p>23 Security, we can also look that voter up by their</p> <p>24 driver's license.</p> <p>25 Q. And for the -- if mail ballot carrier envelope,</p>	Page 151	<p>1 verify the carrier envelope. Signature verification</p> <p>2 does.</p> <p>3 Q. (By Ms. Bender) Okay. Okay. During the March</p> <p>4 2022 primary, if mail ballot materials did not list a</p> <p>5 driver's license number that appeared in the database,</p> <p>6 but it had the last four digits of the social security</p> <p>7 number and it matched the database, would you accept it?</p> <p>8 A. Yes.</p> <p>9 Q. And is this always your interpretation of the</p> <p>10 law?</p> <p>11 MS. HUNKER: Objection to form.</p> <p>12 A. Yes, either-or, whichever they put on there.</p> <p>13 And if it's in our voter registration system, we -- we</p> <p>14 picked either-or, either one.</p> <p>15 Q. (By Ms. Bender) Okay. So throughou- -- so</p> <p>16 throughout the time that you were processing ballots for</p> <p>17 March '22 -- '22 primary, you would accept if it had</p> <p>18 either a driver's license number or a Social Security</p> <p>19 number?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And if it listed an incorrect driver's</p> <p>22 license number compared to what you had in the database,</p> <p>23 but it had the last four digits of the Social Security</p> <p>24 number that matched the database, would you accept that?</p> <p>25 A. Yes.</p>	Page 153

<p style="text-align: right;">Page 154</p> <p>1 Q. And is this always the way that you interpreted 2 the law?</p> <p>3 MS. HUNKER: Objection, form.</p> <p>4 A. Yes.</p> <p>5 Q. (By Ms. Bender) Okay. So, again, throughout 6 the entire time that you were processing ballots for the 7 March 2022 primary --</p> <p>8 A. (Witness moves head up and down.)</p> <p>9 Q. -- you would accept it if the driver's license 10 number was incorrect, but the Social Security number was 11 correct?</p> <p>12 A. Yes.</p> <p>13 MS. BENDER: Okay. That's all of my 14 questions. Thank you.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 THE REPORTER: Just a second.</p> <p>17 EXAMINATION</p> <p>18 BY MS. CAI:</p> <p>19 Q. Hello, Ms. Phillips.</p> <p>20 MS. CAI: Oh. Go ahead.</p> <p>21 A. Hi.</p> <p>22 MS. PERALES: One second, please. One 23 second, please.</p> <p>24 THE REPORTER: Okay. And who is this, 25 please?</p>	<p style="text-align: right;">Page 156</p> <p>1 MS. HUNKER: Objection, form.</p> <p>2 A. Yes, it was greater.</p> <p>3 Q. (By Ms. Cai) What accounts for that greater 4 number of rejections?</p> <p>5 MS. HUNKER: Objection, form.</p> <p>6 A. The new requirements, the missing driver's 7 license or the missing Social Security numbers.</p> <p>8 Q. (By Ms. Cai) Do you have reason to believe 9 that some individuals whose applications for ballot by 10 mail or mail ballots are being rejected -- excuse me -- 11 that have been rejected are, in fact, eligible voters 12 who made errors while filing -- filling out their ID 13 numbers?</p> <p>14 MS. HUNKER: Objection, form.</p> <p>15 A. Yes.</p> <p>16 Q. (By Ms. Cai) Are you or your office concerned 17 by the greater number of rejected applications for 18 ballot by mail or mail ballots in the March primary?</p> <p>19 MS. HUNKER: Objection, form.</p> <p>20 A. Yes.</p> <p>21 Q. (By Ms. Cai) Why are you concerned?</p> <p>22 A. Because voters before the SB 1 law were able to 23 vote and cast their ballots, and ballots counted.</p> <p>24 Q. Have you or your office conveyed that concern 25 to the Secretary of State?</p>
<p style="text-align: right;">Page 155</p> <p>1 MS. CAI: My name is Sophia Cai, and I'm 2 representing the OCA Plaintiffs.</p> <p>3 MS. PERALES: Slow down for one second.</p> <p>4 Can you just say that more slowly?</p> <p>5 MS. CAI: Of course. My name is Sophia 6 Cai, spelled S-o-p-h-i-a. Last name, Cai, C-a-i.</p> <p>7 THE REPORTER: Okay. And you're 8 representing who?</p> <p>9 MS. CAI: The OCA-Greater Houston 10 Plaintiffs.</p> <p>11 THE REPORTER: Okay. Thank you.</p> <p>12 Okay. Thank you.</p> <p>13 MS. CAI: Great.</p> <p>14 Q. (By Ms. Cai) Hi, Ms. Phillips. Thank you --</p> <p>15 A. Hi.</p> <p>16 Q. -- for bearing with us. I just have a few 17 questions for you.</p> <p>18 You testified earlier that you didn't know off 19 the top of your head the number of people who submitted 20 an application for ballot by mail that was incomplete 21 because you could not verify their ID number.</p> <p>22 Even without that exact number off the top of 23 your head, do you know whether the number of ABBMs that 24 were rejected in the March primary was greater than in 25 past years?</p>	<p style="text-align: right;">Page 157</p> <p>1 A. I have not; but my office -- some people in my 2 office probably have, yes.</p> <p>3 Q. Do you know what they have said?</p> <p>4 A. No, I don't.</p> <p>5 Q. Have you or your office conveyed that same 6 concern to other election officials?</p> <p>7 MS. HUNKER: Objection, form.</p> <p>8 A. Probably so. I do not know.</p> <p>9 Q. (By Ms. Cai) Have you personally conveyed that 10 concern to anyone?</p> <p>11 A. No.</p> <p>12 Q. Turning to SB 1 requirements next, are you 13 aware that SB 1 adds additional requirements in order to 14 register to vote by mail or to actually vote by mail?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. Repeat that again.</p> <p>17 Q. (By Ms. Cai) This has probably been covered, 18 but is it correct that you are aware that SB 1 adds 19 requirements to register to vote by mail or to actually 20 vote by mail?</p> <p>21 A. Yes.</p> <p>22 MS. HUNKER: Objection, form.</p> <p>23 Q. (By Ms. Cai) Is a registered voter with a 24 disability able to get a modification or accommodation 25 to the ID requirement for voting by mail?</p>

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<p>1 MS. HUNKER: Objection, form.</p> <p>2 A. No.</p> <p>3 Q. (By Ms. Cai) So even if they request an accommodation or a modification, a voter with disability would not be able to have any different rules apply to them for the ID requirement?</p> <p>7 MS. HUNKER: Objection, form.</p> <p>8 A. No, not to my knowledge.</p> <p>9 Q. (By Ms. Cai) Have you received any requests from voters with disabilities for any sort of accommodation or modification to the ID requirement in the March primary?</p> <p>13 A. No, not to my kno- -- not to my knowledge.</p> <p>14 Q. Who would a voter with a disability go to to make such a request for their application for vote by mail or their mail ballot?</p> <p>17 A. They would request the application from my office, the Mail Ballot Office with Dallas County.</p> <p>19 Q. If they wanted some sort of accommodation or modification so that they could vote by mail, would they be able to ask somebody in your office for such accommodation or modification?</p> <p>23 A. What type of accommodation or modification are we asking about?</p> <p>25 Q. Any type. It might vary by the type of</p>	<p>1 Hearing none.</p> <p>2 EXAMINATION</p> <p>3 BY MS. HUNKER:</p> <p>4 Q. Hi, Ms. Phillips. How with you?</p> <p>5 A. I'm okay. How are you?</p> <p>6 Q. My name is Kathleen Hunker. I represent the State Defendants in this matter. I'm going to ask a few questions, mostly in response to what Plaintiffs have asked. Because of that, I'm going to be jumping around a little bit with respect to topics. If at any point you're confused or you don't follow when I transition to topics, will you please let me know?</p> <p>13 A. Okay.</p> <p>14 Q. And I will be more than willing to either lay a greater foundation or to rephrase the question. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. Also if you don't understand any of my questions or you think you need additional clarification, please let me know; and I'm happy to do so. Okay?</p> <p>21 A. Okay.</p> <p>22 Q. Excellent. So I'm going to start with the last topic of conversation, which was regarding the ADA accommodation. I believe Plaintiffs' Counsel for OCA-Greater Houston, asked you a few questions on that,</p>
<p>1 disability a person has. Would they be able to ask for, for instance, assistance filling out their ID number?</p> <p>3 A. If a voter is in our office, come to our office at the counter and asks for help with assisting with filling out their application, yes, we can help them fill out their application.</p> <p>7 Q. Would they be able to request any other sorts of modifications or accommodations?</p> <p>9 A. What modification are we asking about?</p> <p>10 Q. It would likely depend on the voter, but can you think of any examples of people who have asked for any assistance?</p> <p>13 A. No one has asked for any assistance or modifications in our office, so I wouldn't know which one you are referring to.</p> <p>16 Q. Have they called in or written in for any such modifications?</p> <p>18 A. I have not received any, not to my knowledge.</p> <p>19 MS. CAI: Okay. Thank you very much, Ms. Phillips. That's all my questions.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 THE REPORTER: Just a second, please.</p> <p>23 Okay. Thank you.</p> <p>24 MS. HUNKER: Does any other Plaintiff group want to ask questions before I begin?</p>	<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you had mentioned that no one had come into your office asking a -- for assistance or an accommodation with respect to the ID requirements; is that correct?</p> <p>7 A. Correct, not to my knowledge.</p> <p>8 Q. Okay. So when she was asking about whether or not your office would accommodate, you don't have a policy in place about the accommodation; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And that would only be decided once you actually received a request; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And I think you had mentioned that if somebody came in requesting assistance, you would do your best to aid them; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. You also spoke with Counsel regarding communications with the Secretary of State's office, and so let me get a little bit of clarification there.</p> <p>23 You have not contacted the Secretary of State's office regarding SB 1, is that right? And when I say "you" in this case, I'm referring to you as an</p>

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<p>1 individual.</p> <p>2 A. No.</p> <p>3 Q. Okay. And what about your particular division,</p> <p>4 have they contacted the Secretary of State's office</p> <p>5 regarding SB 1?</p> <p>6 A. Possible.</p> <p>7 Q. But not to your knowledge?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. And so you don't know if you're division</p> <p>10 contacted the Secretary of State's office to request</p> <p>11 clarifications about maybe a provision of SB 1; is that</p> <p>12 right?</p> <p>13 A. That's correct.</p> <p>14 Q. And you wouldn't know if they contacted</p> <p>15 Secretary of State's office on a complaint or a</p> <p>16 criticism of SB 1; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And you wouldn't know if they communicated any</p> <p>19 problems that they had to the Secretary of State's</p> <p>20 office; is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. Now let's talk about the Elections Department</p> <p>23 as a whole.</p> <p>24 Are you aware of the Elections Department</p> <p>25 contacting the Secretary of State's office regarding a</p>	<p>1 questions also referred to election officials.</p> <p>2 Now, how did you interpret the word election</p> <p>3 officials in that question?</p> <p>4 A. In what question, and where at?</p> <p>5 Q. She had asked if you had communicated your</p> <p>6 concerns or problems about SB 1 to election officials.</p> <p>7 And I believe she asked that question. I might have put</p> <p>8 that down wrong in my notes.</p> <p>9 But do you remember her discussing about your</p> <p>10 communication with election officials?</p> <p>11 A. I don't remember --</p> <p>12 Q. Okay.</p> <p>13 A. -- if she said election officials or if she</p> <p>14 said concerns that we had.</p> <p>15 Q. Okay. Then let me ask the question</p> <p>16 differently.</p> <p>17 To your knowledge -- and let's start with you</p> <p>18 as an individual --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- have you contacted any election official</p> <p>21 regarding SB 1?</p> <p>22 A. And when you say an "election official," are</p> <p>23 you saying -- who's an election official?</p> <p>24 Q. Well, that was actually --</p> <p>25 A. What's the meaning of the election official?</p>
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<p>1 provision about SB 1?</p> <p>2 A. I am not aware.</p> <p>3 Q. And what about SB 1 as a general matter, not</p> <p>4 necessarily talking about a specific provision?</p> <p>5 A. Contacting the --</p> <p>6 Q. Secretary of State's office.</p> <p>7 A. I'm not aware.</p> <p>8 Q. And so you wouldn't know the contents of any</p> <p>9 communications or even if those communications existed</p> <p>10 by the Elections Department contacting Secretary of</p> <p>11 State's office about problems implementing SB 1; is that</p> <p>12 correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And you also wouldn't know the contents of any</p> <p>15 communications of them -- of the Elections Department</p> <p>16 expressing concerns about SB 1; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Or complaints about SB 1; is that correct?</p> <p>19 A. That's correct. I don't have any knowledge of</p> <p>20 it.</p> <p>21 Q. Okay. And you have no knowledge about any</p> <p>22 communications about questions about interpretation of</p> <p>23 specific provisions; is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. When you were speaking with Counsel, one of the</p>	<p>1 Q. That was one of the reasons I was asking for</p> <p>2 clarification, when I thought she had asked that</p> <p>3 question.</p> <p>4 A. So what's the meaning of the election official?</p> <p>5 Q. Okay. So I'll ask: Have you contacted the</p> <p>6 Legislature?</p> <p>7 A. No.</p> <p>8 Q. Have you contacted another member of an</p> <p>9 Elections Department in a different county?</p> <p>10 A. Yes.</p> <p>11 Q. In what capacity?</p> <p>12 A. Asking how did they handle the situation,</p> <p>13 handle something.</p> <p>14 Q. And so you've contacted other counties, and</p> <p>15 you've gotten a sense of best practices?</p> <p>16 A. Yes.</p> <p>17 Q. And what was that over, specifically?</p> <p>18 A. How they handle the notice codes or the codings</p> <p>19 of the SB 1 laws on sending information to the ballot</p> <p>20 tracker.</p> <p>21 Q. So it was a data entry question?</p> <p>22 A. Yes.</p> <p>23 Q. So you also spoke with the DOJ Counsel about</p> <p>24 VEMAC, correct?</p> <p>25 A. DOJ Counsel?</p>

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<p>1 Q. Yes, Brady.</p> <p>2 A. Oh, Brady. Okay. Yes.</p> <p>3 Q. And you talked about the verification once a</p> <p>4 application to vote by mail was received --</p> <p>5 A. Yes.</p> <p>6 Q. -- correct?</p> <p>7 A. Yes.</p> <p>8 Q. And I believe you had said that you, when</p> <p>9 verifying, would look at: first name, last name,</p> <p>10 address, and, if available, date of birth?</p> <p>11 A. Yes.</p> <p>12 Q. So date of birth was not required on the form;</p> <p>13 it was simply --</p> <p>14 A. Optional, yeah --</p> <p>15 Q. -- optional?</p> <p>16 A. -- yes.</p> <p>17 Q. So some had it, and some did not?</p> <p>18 A. Yes.</p> <p>19 Q. When you were doing it that way, did you have</p> <p>20 problems with the verification, let's say, having a</p> <p>21 false positive?</p> <p>22 A. Can you rephrase that question, please?</p> <p>23 Q. Sure. When you were using the old format,</p> <p>24 looking at first name, last name --</p> <p>25 A. Uh-huh.</p>	<p>1 A. Yes.</p> <p>2 Q. And with SB 1, you now have a Social Security</p> <p>3 number or driver's license; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Have you found it easier to do the verification</p> <p>6 with that number?</p> <p>7 A. Yes, I have.</p> <p>8 Q. In your experience, do voters typically call</p> <p>9 with questions about changes to voting laws?</p> <p>10 A. When?</p> <p>11 Q. Okay. So I'm shifting topics. I'm talking</p> <p>12 about the calls that you receive from voters, either</p> <p>13 with questions or concerns --</p> <p>14 A. (Witness moves head up and down.)</p> <p>15 Q. -- or about how to submit an application to</p> <p>16 vote by mail or how to submit their ballot, and I'm</p> <p>17 curious -- let me put it this way: Have you implemented</p> <p>18 previous legislation before?</p> <p>19 A. A voter will call. They request an ABBM</p> <p>20 application, and we will ask to mail it out to a voter.</p> <p>21 Q. So when I -- let me rephrase that.</p> <p>22 I'm talking about new legislation coming from</p> <p>23 the Legislature. So you have a new law on the books.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Have you ever had to implement a new law that</p>
<p>1 Q. -- and address --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- did you have false positives? Let's say you</p> <p>4 had found there were two people with the same name.</p> <p>5 A. (Witness moves head up and down.) Yes. We</p> <p>6 would find two people with the same name, yes.</p> <p>7 Q. And if they did not provide a date of birth,</p> <p>8 how would you distinguish between the two?</p> <p>9 A. The address.</p> <p>10 Q. The address. And so let's say about a father</p> <p>11 and son. I know my brother and father share the same</p> <p>12 name.</p> <p>13 A. (Witness moves head up and down.)</p> <p>14 Q. What about in that type of a situation, how</p> <p>15 would you verify?</p> <p>16 A. Well, it -- we would look at the application</p> <p>17 and if they put down over 65, then we would look at the</p> <p>18 date of birth on the voter registration system. If the</p> <p>19 voter -- if one of the voters was over 65 with the same</p> <p>20 name, same address, then we knew that that was that</p> <p>21 voter there.</p> <p>22 Q. Okay. So you had to look at optional</p> <p>23 information in order to make a distinction; is --</p> <p>24 A. Yes.</p> <p>25 Q. -- that correct?</p>	<p>1 was recently passed by the Legislature outside of SB 1?</p> <p>2 A. Probably so, just don't recall which law that</p> <p>3 was.</p> <p>4 Q. Okay. None that were as, we'll say,</p> <p>5 significant or multifaceted as SB 1? Would that be</p> <p>6 right?</p> <p>7 A. Yes. I will say that, yes.</p> <p>8 Q. So SB 1 had a lot of changes to it --</p> <p>9 A. Yes --</p> <p>10 Q. -- is that right?</p> <p>11 A. -- it did.</p> <p>12 Q. So when I asked, in your experience, do voters</p> <p>13 typically call with questions about changes to the laws,</p> <p>14 do you know if you have, let's say, a change of</p> <p>15 requirement that voters would contact you with questions</p> <p>16 about, outside of the context of SB 1?</p> <p>17 A. No, no.</p> <p>18 Q. And is that because you don't -- you don't</p> <p>19 remember a change in the requirements?</p> <p>20 A. I don't remember a change in the requirements</p> <p>21 nor do I remember a voter calling and asking about the</p> <p>22 changes of the laws, of a new law.</p> <p>23 Q. Okay. And so you don't have a point of</p> <p>24 comparison to note whether or not it's common practice</p> <p>25 for voters to call frequently with questions when you</p>

<p style="text-align: right;">Page 170</p> <p>1 have a dramatic change in the law regarding voting; is 2 that correct?</p> <p>3 MR. WHITE: Objection, form.</p> <p>4 A. Repeat that again, please.</p> <p>5 Q. (By Ms. Hunker) You don't have a point of 6 reference when it comes to the number of voters who 7 would call about a cha- -- a dramatic change in the law; 8 is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. But you had also said, during the March 11 primary, that you were receiving phone calls all day 12 every day; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Is that typical in an election?</p> <p>15 A. Yes.</p> <p>16 Q. And so for, like, the November constitutional 17 election in 2021, you would have been receiving phone 18 calls all day every day?</p> <p>19 A. Well, I got phone calls from voters who 20 actually were voting or concerned about voting.</p> <p>21 Q. You also spoke with Ms. Perales about comparing 22 the list of individuals who did not list their voter ID 23 number to a list of individuals who ultimately 24 resubmitted their application and had it accepted; is 25 that correct?</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Yes.</p> <p>2 Q. And I think you had mentioned earlier that the 3 application to vote by mail has passed, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so you've already, at this point, 6 processed all the applications to vote by mail that you 7 have -- you will receive or, ultimately, receive for the 8 May 7th election; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. So I want to compare your experience in March 11 2022 with the May 7th election.</p> <p>12 In your experience, did you receive fewer 13 rejections of applications this round?</p> <p>14 MR. WHITE: Objection, form.</p> <p>15 A. I do not know if I can talk about that yet 16 because the election is not over with.</p> <p>17 Q. (By Ms. Hunker) Okay. When you say you can't 18 talk about that --</p> <p>19 A. Well, legally, normally, we cannot give out any 20 information until after the election, like, say, if it's 21 a PIA and a person asks for how many -- who requested 22 ABBMs --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- we can't give that out, or who has already 25 asked for a ballot by mail, we can't give that out. So</p>
<p style="text-align: right;">Page 171</p> <p>1 MS. PERALES: Objection, form.</p> <p>2 A. Did we speak about it?</p> <p>3 Q. (By Ms. Hunker) Yes.</p> <p>4 A. Yes.</p> <p>5 Q. That's what I was asking, if you spoke about 6 it.</p> <p>7 And you had said that if you do a comparison, 8 that would help get at the number of individuals who -- 9 who had their application rejected or at least a notice 10 was sent; is that correct?</p> <p>11 A. I believe she -- I believe she asked was there 12 a way for the comparison, yes.</p> <p>13 Q. Okay. For voters who chose not to resubmit 14 their ABBM application or who chose -- you don't 15 personally know why they did not do so; is that correct?</p> <p>16 A. That's correct.</p> <p>17 Q. And you also do not -- let me take that -- let 18 me strike that question.</p> <p>19 And for voters who chose to vote by personal 20 appearance as opposed to resubmitting their ABBM, you do 21 not personally know why they did not do so, why they 22 chose that option; is that correct?</p> <p>23 A. I don't know why.</p> <p>24 Q. So we are in the midst of Early Voting for the 25 May 7th election, correct?</p>	<p style="text-align: right;">Page 173</p> <p>1 if we can't give that information out, I don't think we 2 can talk about that information either right now.</p> <p>3 Q. Okay. So I understand maybe that you won't 4 feel comfortable giving specific numbers.</p> <p>5 Would you be able to give impressions about the 6 numbers, like fewer or lessor, greater?</p> <p>7 A. Will that be the same thing, on the same level?</p> <p>8 Q. I do not view it the same, but you're the one 9 who's answering the questions.</p> <p>10 A. I view it the same. So, obviously, I can't. 11 But you can ask me on May the 8th.</p> <p>12 Q. You probably don't want to sit down for another 13 deposition.</p> <p>14 A. No, I do not.</p> <p>15 Q. What about phone calls?</p> <p>16 A. Okay.</p> <p>17 Q. Okay. So you had talked about receiving 18 concerns from voters or questions from voters about the 19 new ID requirements in the March primary, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And so I assume you also received phone 22 calls in the May 7th election, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did you receive fewer phone calls about the ID 25 requirements in the May 7th election?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. At the present moment, I don't recall receiving 2 phone calls about the identification. I'm receiving a 3 lot of phone calls about why I receiv- -- receiving -- 4 Where is my second ballot?</p> <p>5 Q. Is it --</p> <p>6 A. Because we have two elections in May.</p> <p>7 Q. Yes. So for the March primary, you clearly 8 remembered receiving phone calls about the ID 9 requirements; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you do not, for the May 7th, remember phone 12 calls --</p> <p>13 A. I do not recall --</p> <p>14 Q. Okay.</p> <p>15 A. -- if we received any. We might have. I just 16 don't know yet that --</p> <p>17 Q. That's fair.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Based on your observations, are voters having 20 an easier time in the May 7th election with the voter ID 21 number requirement than they did in the March primary?</p> <p>22 A. I don't feel comfortable asking that question 23 until after the election.</p> <p>24 Q. Okay. I believe you also had spoken to Counsel 25 about phone calls of people who couldn't vote in person;</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. (By Ms. Hunker) Ms. Phillips, over the break, 2 I believe you spoke to your Counsel; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And we're not going to get into the 5 substance of that, but after your communications, you're 6 now -- feel comfortable answering some of my questions 7 comparing the March primary with the May 7th election; 8 is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And for some of these questions, I know that 11 you are going to be answering more your personal 12 observations as opposed to a official pronouncement from 13 the Dallas County Election Administrator's Office. I 14 simply ask that if I'm not clear in my question, that 15 when you're speaking in your individual capacity, simply 16 let me know.</p> <p>17 A. Okay.</p> <p>18 Q. Does that make sense?</p> <p>19 A. Yes, it does.</p> <p>20 Q. Okay. So we had already spoken that May 7th 21 election early voting has begun, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And the deadline in which you -- in which 24 voters may send applications to vote by mail has already 25 passed, correct?</p>
<p style="text-align: right;">Page 175</p> <p>1 is that right?</p> <p>2 A. Yes.</p> <p>3 Q. You do not know whether those individuals 4 ultimately voted; is that right?</p> <p>5 A. That is correct.</p> <p>6 Q. Now, I believe you made a distinction between 7 your role and the Early Voting Ballot Board, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so you focus on the application side, the 10 Early Voting Board focuses on the mail ballot side?</p> <p>11 A. They focus on the verification of the 12 signatures and also the rejection of the bal- -- the 13 mail ballots.</p> <p>14 Q. Okay. So you wouldn't have a sense on whether 15 ID number comparison is a more accurate identification 16 verification mechanism than signature match?</p> <p>17 MR. WHITE: Objection, form.</p> <p>18 A. I wouldn't know.</p> <p>19 MS. HUNKER: If we can go off record and 20 let me just consult my notes for a few minutes.</p> <p>21 THE VIDEOGRAPHER: Okay. We're going off 22 the record. The time is 2:43 p.m.</p> <p>23 (Break taken.)</p> <p>24 THE VIDEOGRAPHER: We're back on the 25 record. The time is 2:58 p.m.</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Yes.</p> <p>2 Q. And so your office has processed all the 3 applications it will have received for the May 7th 4 election, correct, to vote by mail?</p> <p>5 A. To -- to vote by mail in order to be qualified 6 to vote in the May 7th election, yes.</p> <p>7 Q. Okay. So based on your personal observations 8 in your office, have you received -- have you issued 9 fewer rejections for vote by mail applications?</p> <p>10 A. Yes.</p> <p>11 Q. And you've issued fewer notices as compared, 12 again, to the March primary; is that correct?</p> <p>13 A. Repeat that again.</p> <p>14 Q. Fewer notices. You sent fewer notices that -- 15 let me -- let me start over from the beginning.</p> <p>16 A. Okay.</p> <p>17 Q. The May 7th election compared to the March 18 primary, you have issued fewer rejection applications, 19 to your knowledge, based on voters having a mismatch or 20 not putting their voter ID number; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And so you've issued fewer notices to voters 23 stating that the reason that their ballot -- I'm 24 sorry -- that their application has been rejected is 25 because of their failure to either put a voter ID, an ID</p>

<p style="text-align: right;">Page 178</p> <p>1 number net down or to match correctly their ID number; 2 is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you do not work on the ballot verification 5 process, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And so you don't have any personal knowledge if 8 there have been fewer rejections of vote by mail 9 ballots; is that right?</p> <p>10 A. There hasn't been any rejections yet because 11 the rejections are not till after the cure period.</p> <p>12 Q. Thank you for that clarification.</p> <p>13 A. Uh-huh.</p> <p>14 Q. So based on your personal experience, in the 15 March primary and in the May 7th election, have voters 16 become more accustomed to the rules for voter ID, for 17 voter ID numbers?</p> <p>18 MR. WHITE: Objection, form.</p> <p>19 Q. (By Ms. Hunker) On their application.</p> <p>20 A. I wouldn't say that.</p> <p>21 Q. What would you say?</p> <p>22 A. One of the reasons -- the main reason why we 23 have fewer rejections, I mean -- yeah, fewer rejection 24 notices going out is because we pull annual voters 65 25 years of age or the disabled. So the majority of our</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. I have just three small areas -- two small 2 areas.</p> <p>3 Earlier, when you and I were speaking, you 4 mentioned that there were voters who had given up -- and 5 I think you used the words "given up" --</p> <p>6 A. Yes.</p> <p>7 Q. -- trying to get a mail ballot for the March 8 primary election.</p> <p>9 A. Yes.</p> <p>10 Q. And I just want to make clear that this was 11 because of the ID number matching requirements that you 12 were newly implementing for this election; is that 13 correct?</p> <p>14 MS. HUNKER: Objection to form.</p> <p>15 A. I would say so, yes.</p> <p>16 Q. (By Ms. Perales) Okay. And did you ever speak 17 to a voter or have a staff member tell you they spoke to 18 a voter who indicated that it was -- that they were 19 going to stop trying to get the information to you that 20 would allow you to send them a mail ballot?</p> <p>21 A. Yes.</p> <p>22 Q. And then, finally, I just want to return to the 23 hypothetical of the father and son with the same name.</p> <p>24 A. Okay.</p> <p>25 Q. You mentioned that you would look to see</p>
<p style="text-align: right;">Page 179</p> <p>1 voters now are people who have already submitted their 2 applications beginning of the year.</p> <p>3 Q. Okay. And you don't have any knowledge, with 4 respect to individuals who have not submitted an annual 5 vote by mail application, whether or not they are 6 receiving --</p> <p>7 A. Say that again, please. I'm sorry.</p> <p>8 Q. Yeah. So with respect to individuals who have 9 not submitted --</p> <p>10 A. Okay.</p> <p>11 Q. -- an annual vote by mail application --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- do you have any knowledge on whether there 14 are fewer rejections for that group?</p> <p>15 A. I have not ran the numbers, no.</p> <p>16 Q. Okay. That's fine. And so you don't know one 17 way or the other of whether voters are becoming more 18 familiar or accustomed to the rules; is that correct?</p> <p>19 A. That is correct.</p> <p>20 MS. HUNKER: No further questions.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 MR. STOOL: No, I don't have any 23 questions. Pardon me.</p> <p>24 REEXAMINATION</p> <p>25 BY MS. PERALES:</p>	<p style="text-align: right;">Page 181</p> <p>1 whether the voter had indicated they were requesting the 2 mail ballot because they were over age 65; is that 3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And then you would look at the voter's date of 6 birth in the voter registration record to confirm that 7 person's over 65, yes?</p> <p>8 A. Yes.</p> <p>9 Q. And in that instance you would be fairly 10 confident that the voter is over 65, right?</p> <p>11 A. Yes.</p> <p>12 Q. And the over 65 reason to request a mail 13 ballot, that's -- that's required information on the 14 ABBM, correct?</p> <p>15 A. Yes, they have to let us know why they are 16 voting, the reason why they are voting ballot by mail.</p> <p>17 Q. And the app- -- and the voter registration 18 record that you have also has the date of birth in it as 19 mandatory with voter registration, correct?</p> <p>20 A. Yes. You have to -- you have -- that's a 21 requirement on the voter registration application in 22 order to get registered to vote.</p> <p>23 MS. PERALES: Okay. Thank you.</p> <p>24 I have no further questions.</p> <p>25 MR. WHITE: None for me.</p>

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<p>1 THE REPORTER: Wait just a second, please.</p> <p>2 Okay. Thank you.</p> <p>3 MS. HUNKER: Okay.</p> <p>4 REEXAMINATION</p> <p>5 BY MS. HUNKER:</p> <p>6 Q. Going back to that scenario, the father and the</p> <p>7 son --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- the father may not be over 65, correct?</p> <p>10 A. Uh-huh.</p> <p>11 THE REPORTER: Was that a "yes"?</p> <p>12 THE WITNESS: I'm sorry. I'm sorry.</p> <p>13 "Yes."</p> <p>14 Q. And so if the father were not over 65, he would</p> <p>15 not have to put his date of birth, correct?</p> <p>16 MS. PERALES: Objection.</p> <p>17 A. That --</p> <p>18 Q. (By Ms. Hunker) I can rephrase the question.</p> <p>19 A. Yes, please.</p> <p>20 Q. You had mentioned earlier that date of birth</p> <p>21 was not required on the application form, correct?</p> <p>22 A. Beforehand, yes.</p> <p>23 Q. Yes. And so if the father was not over 65,</p> <p>24 there would be no requirement for him to put -- put his</p> <p>25 date of birth on the application; is that correct?</p>	<p>1 MS. HUNKER: That's all.</p> <p>2 MS. PERALES: Let's go off the record.</p> <p>3 MR. SCHUETTE: Do we need to ask the</p> <p>4 assembled --</p> <p>5 MS. PERALES: Assembled people on Zoom,</p> <p>6 are we ready to go off the record?</p> <p>7 MS. BENDER: No questions. Thank you.</p> <p>8 MS. PERALES: That was Brady.</p> <p>9 THE VIDEOGRAPHER: We're going off the</p> <p>10 record. The time is 3:07 p.m.</p> <p>11 (Lunch recess.)</p> <p>12 THE VIDEOGRAPHER: Okay. We are back on</p> <p>13 the record. The time is 4:17 p.m.</p> <p>14 MS. PERALES: I think we are ready to</p> <p>15 swear the witness.</p> <p>16 THE REPORTER: Okay.</p> <p>17 Sir, would you raise your right hand,</p> <p>18 please?</p> <p>19 (Witness sworn by the court reporter.)</p> <p>20 THE REPORTER: Thank you.</p> <p>21 MICHAEL SCARPELLO,</p> <p>22 having being first duly sworn, testified as follows:</p> <p>23 EXAMINATION</p> <p>24 BY MS. PERALES:</p> <p>25 Q. Good afternoon.</p>
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<p>1 A. I believe there's no requirement on the</p> <p>2 application now. I believe it's optional. I'm not</p> <p>3 quite sure. I have to look at a application.</p> <p>4 Q. Pre-SB 1?</p> <p>5 A. I believe on pre -- I believe SB 1 is optional.</p> <p>6 I have to look at the application. I -- to my</p> <p>7 recollection, I don't remember; but I believe it's not a</p> <p>8 requirement.</p> <p>9 Q. Okay. And so you had spoken about voters who</p> <p>10 you thought had given up and would not be requesting a</p> <p>11 mail in ballot; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. You don't know if those individuals decided to</p> <p>14 vote by personal appearance?</p> <p>15 A. I do not know.</p> <p>16 Q. How do you know that they, first, gave up?</p> <p>17 A. They said so.</p> <p>18 Q. Okay. And second, that it was connected to the</p> <p>19 ID requirement?</p> <p>20 A. They said so.</p> <p>21 Q. Okay. Do you know if they, in fact, decided to</p> <p>22 resubmit --</p> <p>23 A. I do not know.</p> <p>24 Q. -- their application to vote by mail?</p> <p>25 A. I don't know.</p>	<p>1 A. Good afternoon.</p> <p>2 Q. Will you state your name for the record,</p> <p>3 please?</p> <p>4 A. Michael Scarpello.</p> <p>5 Q. Thank you. I'll introduce myself to you</p> <p>6 because you weren't here before.</p> <p>7 A. Okay.</p> <p>8 Q. My name is Nina Perales. I'm with the Mexican</p> <p>9 American Legal Defense and Educational Fund, and I</p> <p>10 represent the LUPE group of Plaintiffs --</p> <p>11 A. Okay.</p> <p>12 Q. -- in this matter.</p> <p>13 Have you ever had your deposition taken before?</p> <p>14 A. Yes.</p> <p>15 Q. Have you ever taken a deposition before?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Let's start with: Have you had your</p> <p>18 deposition taken before.</p> <p>19 Can you tell me the most recent time you had</p> <p>20 your deposition taken?</p> <p>21 A. Two -- two weeks ago or something.</p> <p>22 Q. Okay.</p> <p>23 A. Two or three weeks -- I'm not sure --</p> <p>24 Q. All right.</p> <p>25 A. -- but in there.</p>

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1 Q. So I'm sure that you remember the rules of the 2 road.	1 MS. PERALES: If you wouldn't mind handing 2 Exhibit 1 to the witness.
3 A. Uh-huh.	3 (Document handed to the witness.)
4 Q. I'm only going to ask you a condensed version 5 of questions related to that.	4 Q. Mr. Scarpello, do you recognize Exhibit 1 as 5 the Notice of Deposition for today's deposition?
6 A. (Witness moves head up and down.)	6 A. Yes.
7 Q. First of all, do you understand that you are 8 under oath today?	7 Q. And if you flip forward, you'll see around Page 8 9, there is an Attachment A; and then on Page 12 begins 9 a list of topics?
9 A. I do.	10 A. Yes.
10 Q. And is there anything that would prevent you 11 from giving me your full attention or responding 12 accurately today, such as a medication --	11 Q. Have you seen these topics before?
13 A. No.	12 A. Yes.
14 Q. -- or a medical condition?	13 Q. Do you understand that you are testifying 14 pursuant to this Notice today?
15 A. No, ma'am	15 A. Yes.
16 Q. Okay. As I'm sure you know, this is your 17 deposition. You can take a break at any time. I would 18 only ask that you answer a question if it's out there on 19 the table before asking for the break. Is that all 20 right?	16 MS. PERALES: And if you wouldn't mind 17 handing the witness Exhibit 2.
21 A. That's all right.	18 (Document handed to the witness.)
22 Q. Thank you. What steps did you take to prepare 23 for this deposition today?	19 Q. Have you seen this document, Exhibit 2?
24 A. Reviewed briefly -- very briefly reviewed some 25 of the discovery documents that were produced some time	20 A. Yes.
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1 ago and did a quick read through SB 1.	1 Q. -- today?
2 Q. I'm not sure it's even possible to do a quick 3 read of such --	2 Do you understand that because this is a 3 30(b)(6) deposition --
4 A. Right.	4 A. Uh-huh.
5 Q. -- a long document.	5 Q. -- as we call it --
6 A. Uh-huh.	6 A. (Witness moves head up and down.)
7 Q. But let me promise you that if we talk about 8 any part of SB 1 today, we'll mark the bill and --	7 Q. -- that when you're testifying that you are 8 speaking on behalf of the Elections Department?
9 A. Okay.	9 A. Yes.
10 Q. -- go through it together.	10 Q. Okay. And so if I say "you" or "yours," will 11 you understand that I'm referring to your department?
11 Did you meet with your attorneys in order to 12 prepare for this deposition?	12 A. Yes.
13 A. Yes.	13 Q. Are you from Dallas County originally?
14 Q. And did you meet with or talk to anybody from 15 the Attorney General's Office of Texas to prepare for 16 this --	14 A. No.
17 A. No.	15 Q. Where were you -- where did you grow up?
18 Q. -- deposition?	16 A. Omaha, Nebraska.
19 Did you have an opportunity to review documents 20 that were produced to us this morning?	17 Q. When did you come to Dallas County?
21 A. I did not get a chance to review those.	18 A. December of 2020.
22 Q. Okay. If we discuss any of them, we'll be sure 23 to mark it so you can have it in front of you before we 24 ask questions.	19 Q. Did you graduate high school in Omaha?
25 A. You bet.	20 A. Yes, Cathedral High School.
	21 Q. Sounds Catholic.
	22 A. Yes.
	23 Q. And did you do any schooling after you 24 graduated from high school?
	25 A. I went to the University of Nebraska at Omaha

<p>Page 190</p> <p>1 and graduated there in 1991 and then the University of 2 Nebraska, College of Law in Lincoln in 1995.</p> <p>3 Q. The same year my husband graduated from law 4 school.</p> <p>5 Did you do any other degrees or other study 6 besides what you've described to me?</p> <p>7 A. Only things related to elections, cer- -- 8 certificates --</p> <p>9 Q. Okay.</p> <p>10 A. Certified Election & Registration Administrator 11 from Election Center.</p> <p>12 Q. And before you came to Dallas -- oh, so you 13 came to Dallas County in December 2020.</p> <p>14 Was that when you took the job as Election 15 Administrator?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So prior to that, December 2020, what 18 job did you have?</p> <p>19 A. Prior to that, I was the Vice-President of 20 Voter -- of Election Management Systems for Runbeck 21 Election Services.</p> <p>22 Q. And tell me what Runbeck Election Services 23 does.</p> <p>24 A. The majority of their business is they're an 25 election ballot printer, and then they're -- they delve</p>	<p>Page 192</p> <p>1 Q. Where are most of Runbeck's clients, then, 2 physically located?</p> <p>3 A. Throughout the country,</p> <p>4 Q. Okay.</p> <p>5 A. All around the country.</p> <p>6 Q. How long did you serve as VP of Election 7 Management for Runbeck?</p> <p>8 A. About a year and a half.</p> <p>9 Q. And what did you do before that?</p> <p>10 A. I was the Registrar of Voters for San 11 Bernardino, California.</p> <p>12 Q. How long did you do that job?</p> <p>13 A. About seven years, three -- seven years, four 14 months, something like that.</p> <p>15 Q. And what job did you have before that?</p> <p>16 A. I was the Director of Elections for the City 17 and County of Denver, Colorado.</p> <p>18 Q. How long did you do that job?</p> <p>19 A. About four years.</p> <p>20 Q. That's a beautiful place to live.</p> <p>21 A. It sure is.</p> <p>22 Q. And before that job, what were you doing?</p> <p>23 A. I was the Elections Manager for Douglas County, 24 Nebraska. Omaha, Nebraska.</p> <p>25 Q. Douglas County produces a disproportionately</p>
<p>Page 191</p> <p>1 into certain areas like voter registration or election 2 management systems.</p> <p>3 Q. Would they be considered, for example, a vendor 4 for a county to maintain its voter registration rolls?</p> <p>5 A. They aren't -- currently have no accounts to do 6 that. They are trying to become that.</p> <p>7 Q. Okay. And you are the VP of Election --</p> <p>8 A. Election Management --</p> <p>9 Q. Management.</p> <p>10 A. -- Systems. It's, basically, a voter 11 registration system.</p> <p>12 Q. And is Runbeck a -- like, would you call it a 13 software company or it's software plus kind of 14 management?</p> <p>15 A. I'd say they are a mail ballot -- mail ballot 16 service provider that dabbles in other areas of election 17 services.</p> <p>18 Q. Does Runbeck have contracts in Texas or did at 19 the time you were there?</p> <p>20 A. The only ones that I know of is there -- they 21 have -- in Harris County and in Dallas County, they 22 have -- they sold a mail ballot sorter, an Agilis mail 23 ballot sorter.</p> <p>24 Q. Was that a piece of hardware?</p> <p>25 A. Yes.</p>	<p>Page 193</p> <p>1 high number of really good elections people because I 2 took the deposition of Lisa Wise a couple --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- of weeks ago. She's also from Douglas 5 County.</p> <p>6 A. Uh-huh. She worked with me.</p> <p>7 Q. Oh, so you were --</p> <p>8 A. Uh-huh.</p> <p>9 Q. You were at that office at the same time?</p> <p>10 A. For a brief time, yeah.</p> <p>11 Q. Okay. So if we were to sort of add up the 12 years that you've been involved in administration of 13 either elections or voter registration, what would the 14 sum total number of years be?</p> <p>15 A. Twenty-two and a half years.</p> <p>16 Q. And it's fair to say that prior to December 17 2020, when you came here to Dallas, that you had 18 experience, hands-on experience, administering both 19 registration and voting; is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. What is your current title?</p> <p>22 A. I'm the Elections Administrator for Dallas 23 County.</p> <p>24 Q. Is Dallas County the largest jurisdiction where 25 you've worked on election administration?</p>

<p style="text-align: right;">Page 194</p> <p>1 A. It has the largest number of registered voters, 2 yes, not the largest in physical area. 3 Q. So having lived in Dallas County for about a 4 year and a half -- 5 A. Uh-huh. 6 Q. -- would you agree with me that Dallas County 7 has a substantial Latino or Hispanic population? 8 A. Yes. 9 Q. And would you agree with me that Dallas County 10 has a substantial black or African-American population? 11 A. Yes. 12 Q. And would you agree with me that Dallas County 13 has a substantial number of voters who are -- for whom 14 English is not their first language and who might 15 experience some barriers communicating in English? 16 MS. HUNKER: Objection, form. 17 A. I don't know. It depends on how you define 18 "substantial." They are certainly large enough to 19 re- -- trigger the SO- -- or the Department of Labor's 20 five-percent rule, to require us to provide alternate 21 language services to Vietnamese and Spanish speakers. 22 Q. (By Ms. Perales) And we talked a little bit 23 earlier today -- I don't think you were here -- that 24 Dallas County is newly covered for Vietnamese. 25 A. That's correct.</p>	<p style="text-align: right;">Page 196</p> <p>1 recently in Harris County and in the 2020 Presidential 2 Election, was a method for people to, without excuse, to 3 be able to drive through and vote from their vehicle. 4 Q. So similar to curbside voting, but without any 5 eligibility criteria? 6 A. Correct. 7 Q. Okay. 8 MS. HUNKER: Objection, form. 9 Q. (By Ms. Perales) Has Dallas County, in the 10 past, allowed voters to drop off mail ballots at 11 locations other than your Elections Administration 12 Office? 13 A. I don't believe so. 14 Q. To your knowledge, has Dallas County used 15 movable structures for polling places? And by "movable 16 structure," I mean, nonpermanent such as a tent or 17 something else that can be put up and then taken back 18 down? 19 MS. HUNKER: Objection, form. 20 A. I don't know, but I believe they may have. 21 Q. (By Ms. Perales) Okay. 22 A. But I don't know. 23 Q. Who would be the best person to testify on 24 that? 25 A. Someone who's been around for a while. I --</p>
<p style="text-align: right;">Page 195</p> <p>1 Q. Would you say, just based on your observations, 2 that Dallas County has a substantial portion of 3 residents who are low income? 4 A. I don't know that I -- I don't know. 5 Q. Okay. 6 A. I mean, that's in comparison to what, right, 7 so... 8 Q. Uh-huh. Well, let's not compare Dallas County 9 to anywhere else. Dallas County is a big County. 10 Would you say you also happen to contain a 11 large number of people who are low income? 12 A. Yes. 13 Q. When I'm quiet, I'm skipping questions -- 14 A. It's okay. 15 Q. -- because I have covered them already earlier 16 today. 17 Is it correct to say that Dallas County has not 18 used what's called drive-thru voting in the past? 19 MS. HUNKER: Object -- 20 A. It's my -- 21 MS. HUNKER: -- to form. 22 A. It's my understanding that they have not. 23 Q. (By Ms. Perales) Okay. And tell me what your 24 understanding is of drive-thru voting. 25 A. Drive-thru voting as employed in Texas, most</p>	<p style="text-align: right;">Page 197</p> <p>1 I -- probably Robert Heard. He's in our office right 2 now working as a contractor, and he was previously the 3 Assistant Elections Administrator. 4 Q. Okay. I'm going to ask you some questions 5 about voters who use assistants when they vote. 6 A. Okay. 7 Q. If -- if we get to something where you just 8 don't know the answer, I -- I want to make sure you 9 don't guess. 10 A. (Witness moves head up and down.) 11 Q. And just let me know if you don't know the 12 answer. 13 A. Okay. 14 Q. I'll probably ask you, then, like, who would be 15 the best person -- 16 A. Sure. 17 Q. -- to talk about that; but we'll get there. 18 Okay? 19 Would you agree with me that voters who use 20 assistance include those voters who are disabled? 21 MS. HUNKER: Objection to form. 22 A. Yes. 23 Q. (By Ms. Perales) Okay. And would you agree 24 with me that voters who use assistance include voters 25 who are illiterate in any language?</p>

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<p>1 MS. HUNKER: Objection, form.</p> <p>2 A. Yes.</p> <p>3 Q. (By Ms. Perales) And would you agree with me</p> <p>4 that voters who use assistance also include those who we</p> <p>5 call "limited English proficient"?</p> <p>6 MS. HUNKER: Objection --</p> <p>7 A. Yes.</p> <p>8 MS. HUNKER: -- form.</p> <p>9 Q. (By Ms. Perales) Can you describe for me the</p> <p>10 sort of people who would go with a voter to help them</p> <p>11 vote, to provide assistance?</p> <p>12 A. I would -- I don't have any statistics to say</p> <p>13 this; but generally speaking, I think friends, family,</p> <p>14 et cetera.</p> <p>15 Q. A neighbor maybe?</p> <p>16 A. Maybe.</p> <p>17 Q. Okay. And then also are you aware whether any</p> <p>18 community-based nonprofit organizations might provide</p> <p>19 assistors for voters?</p> <p>20 A. I'm not aware.</p> <p>21 Q. Would you agree with me that assistors in the</p> <p>22 polling place provide assistance to voters in physically</p> <p>23 navigating the space of the polling place?</p> <p>24 MS. HUNKER: Objection, form.</p> <p>25 A. I don't think that -- probably doesn't meet the</p>	<p>1 would use assistance of another individual in order to</p> <p>2 interact with poll workers, to exchange information with</p> <p>3 poll workers?</p> <p>4 A. Yes.</p> <p>5 Q. Would you agree with me that a voter could use</p> <p>6 an assister to help explain to the voter how to use the</p> <p>7 voting machine equipment?</p> <p>8 MS. HUNKER: Objection to form.</p> <p>9 A. I believe there's people that would want that</p> <p>10 sort of assistance, yes.</p> <p>11 Q. (By Ms. Perales) And I do understand from</p> <p>12 taking other depositions in other counties that there</p> <p>13 might be a disabled voter who wants to do it all on</p> <p>14 their own --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- right, and might use, for example, special</p> <p>17 equipment to do that?</p> <p>18 A. That's correct.</p> <p>19 Q. But you will agree with me that there might be</p> <p>20 a voter who isn't -- you know, who isn't insisting on</p> <p>21 doing it all themselves and who might bring a trusted</p> <p>22 assister with them to help them vote?</p> <p>23 A. I believe that there's most likely people that</p> <p>24 do that, yes.</p> <p>25 Q. Okay. Would you agree with me that a voter</p>
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<p>1 legal definition of what an "assistor" is --</p> <p>2 Q. (By Ms. Perales) Uh-huh.</p> <p>3 A. -- by Texas laws.</p> <p>4 Q. Okay. So let me ask it in a less legal way.</p> <p>5 A. Okay.</p> <p>6 Q. Are you aware whether a voter, for example, who</p> <p>7 might be elderly or just not great at walking around --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- could come with a friend or a relative and</p> <p>10 lean on that person while they're entering the polling</p> <p>11 place and moving up to the table with the poll workers</p> <p>12 or moving over to the voting machine?</p> <p>13 MS. HUNKER: Objection to form.</p> <p>14 A. Can you repeat the question?</p> <p>15 Q. (By Ms. Perales) Yes. Would you agree with me</p> <p>16 that a voter could come to the polling place and this</p> <p>17 voter could be either elderly or, otherwise, not very</p> <p>18 good at walking steadily --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- and the voter would lean on or use the</p> <p>21 assistance of their helper to physically move through</p> <p>22 the polling place, to walk up to approach the table and</p> <p>23 also the voting machine?</p> <p>24 A. I would imagine that happens, yes.</p> <p>25 Q. Okay. Would you agree with me that some voters</p>	<p>1 might also rely on an assister to help the voter</p> <p>2 understand the questions on the ballot?</p> <p>3 MS. HUNKER: Objection to form.</p> <p>4 A. Can you repeat the question, because I want to</p> <p>5 make sure I understand?</p> <p>6 Q. (By Ms. Perales) Would you agree with me that</p> <p>7 a voter might use an assister to help the voter</p> <p>8 understand the questions on the ballot?</p> <p>9 MS. HUNKER: Objection, form.</p> <p>10 A. Well, I believe that current law would prevent</p> <p>11 them from doing that.</p> <p>12 Q. (By Ms. Perales) Current law under SB 1?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So let me ask that question in the</p> <p>15 setting of prior to SB 1.</p> <p>16 A. Okay.</p> <p>17 Q. Do you imagine there would be a voter who would</p> <p>18 use an assister to help that voter understand the</p> <p>19 questions on the ballot?</p> <p>20 (Mr. Stool and Mr. Schuette confer off the record.)</p> <p>21 A. I be --</p> <p>22 MS. HUNKER: Objection, form.</p> <p>23 A. I -- I believe the language be- -- prior to</p> <p>24 SB 1 would have allowed that.</p> <p>25 (Mr. Stool and Mr. Schuette confer off the record.)</p>

<p style="text-align: right;">Page 202</p> <p>1 MS. PERALES: Let's mark this. 2 THE REPORTER: Okay. 3 MS. PERALES: Can you tell me what number 4 this is? 5 THE REPORTER: Number 4. 6 (Deposition Exhibit Number 4 marked.) 7 (Document handed to the witness and Counsel.) 8 Q. (By Ms. Perales) Turn with -- oh, you have 9 been handed what has been marked Deposition Exhibit 10 Number 4, and I will represent to you that this is SB 1 11 as passed by the Legislature. 12 A. (Witness moves head up and down.) 13 Q. And I'm going to ask you to turn with me first 14 to Page 52. 15 A. Okay. 16 Q. You will see, beginning on Line 22, the bill -- 17 actually, Line 20 -- the bill Section 6.04. 18 Do you see that there? 19 A. Yes. 20 Q. And then a couple of lines down, you see 21 Sections 64.034. Do -- 22 A. Yes. 23 Q. -- you see that? 24 A. Uh-huh. 25 Q. Okay. So as we get started on this, will</p>	<p style="text-align: right;">Page 204</p> <p>1 language to the assist or oath, quote, the voter I am 2 assisting represented to me they are eligible to receive 3 assistance -- 4 A. Yes. 5 Q. -- unquote? 6 A. Yes. 7 Q. And then on Line 2, there is some new language 8 added related to the assist or confining assistance. 9 Do you see that? 10 A. Yes. 11 Q. And would you agree with me that SB 1 adds the 12 following language to confining assistance: quote, 13 reading the ballot to the voter, directing the voter to 14 read the ballot, marking the voter's ballot, or 15 directing the voter to mark the ballot, unquote? 16 A. Yes. 17 Q. All right. And will you agree with me that 18 those are four specific acts? 19 A. Yes. 20 Q. Now, will you agree with me on Line 5 -- and I 21 think you may have been talking about this a little 22 while ago -- that SB 1 removes from the assist or oath 23 that the assist or will confine assistance to, quote, 24 answering the voter's questions, unquote? 25 A. Yes.</p>
<p style="text-align: right;">Page 203</p> <p>1 you -- will you understand with me that if text is 2 underlined, it's being added to the statute -- 3 A. Yes. 4 Q. -- and if text is struck out, it's being taken 5 out of the statute? 6 A. Yes. 7 Q. Okay. Now we're ready to go. 8 If you will look with me, starting sort of 9 close to the bottom of the page, would you agree with me 10 that SB 1 is adding language to the Oath of Assistance? 11 A. Yes. 12 Q. Okay. And that language includes, quote, under 13 penalty of perjury -- 14 A. Yes. 15 Q. -- unquote? 16 A. Yes. 17 Q. And then also the language includes, quote, the 18 voter I am assisting represented to me they are eligible 19 to receive assistance, unquote? 20 A. I'm sorry. I lost where you're at. 21 Q. Oh, okay. 22 A. What line are you on? 23 Q. I'm on Line 26. 24 A. Yes. Okay. Got it. 25 Q. And I'll ask the question again. SB 1 adds</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. Okay. And then there's some additional 2 language that's also coming out of the assist or oath, 3 such as stating propositions on the ballot, naming 4 candidates and their political parties? 5 A. Yes. 6 Q. Okay. Will you agree with me that, starting on 7 Line 7, that the SB 1 adds to the assist or oath, quote, 8 I did not pressure or coerce the voter into choosing me 9 to provide assistance, unquote? 10 A. Yes. 11 Q. And then, finally, on Line 12, do you agree 12 with me that SB 1 adds the language after the semicolon, 13 quote, and I understand that if assistance is provided 14 to a voter who is not eligible for assistance, the 15 voter's ballot may not be counted, unquote? 16 A. Yes. 17 Q. Would you agree with me that, now that the 18 assist or is signing the oath under penalty of perjury, 19 that the assist or would face a perjury prosecution for 20 lying or not doing what the oath says a person will do? 21 MS. HUNKER: Objection to form. 22 A. Can you repeat the question? 23 Q. (By Ms. Perales) Sure. I'll ask a better 24 question. 25 A. Okay.</p>

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1 Q. Do you think that an assistor, looking at this 2 new oath, would want to make sure, because the assistor 3 is signing under penal of perjury, that they follow 4 the -- the commands of the oath very closely?	1 A. Yes. 2 Q. So will you understand with me this is what 3 we'll call the old oath --
5 A. Yes. I think it -- 6 MS. HUNKER: Objection, form.	4 A. Yes. 5 Q. -- the pre-SB 1 oath?
7 A. I think anyone who signs under penalty of 8 perjury considers they're -- that -- that it's a serious 9 business, so...	6 A. Yeah. 7 MS. HUNKER: Objection, form.
10 Q. And perjury is a crime, is it not?	8 Q. (By Ms. Perales) And then on Exhibit 6, do you 9 see, in the upper left-hand corner, it says Prescribed 10 by the Secretary of State?
11 A. Yes.	11 A. Yes.
12 Q. So taking the first language that I reviewed 13 with you, if an assistor wants to make sure they comply 14 with the oath closely, how will the assistor obtain a 15 representation from the voter that the voter is eligible 16 to receive assistance?	12 Q. And then, at the very bottom of that, it has a 13 1, slash, 2022?
17 A. Give me a second. I'm not sure, other than the 18 oral representation -- oral or written representation 19 from the voter that they qualify.	14 A. Yes. 15 Q. And do you see where it says "Oath of Person 16 Assisting Voter," and then, if you follow along, it has 17 that language "under penalty of perjury"?
20 Q. Okay. So to secure an oral representation, the 21 assistor would ask the voter; and then the voter would 22 have to make that representation, correct?	18 A. Yes. 19 Q. Will you understand with me that this is the 20 new post SB 1 oath?
23 A. Yes.	21 A. That's --
24 Q. Okay.	22 MS. HUNKER: Objection --
25 MS. PERALES: I'm going to mark two more	23 A. -- correct? 24 MS. HUNKER: -- form. 25 Q. (By Ms. Perales) Okay. So let's stick with
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1 exhibits. 2 What number is this? 3 THE REPORTER: It's 5. 4 (Deposition Exhibit Number 5 marked.) 5 MS. PERALES: This will be 6 (handing). 6 THE REPORTER: Okay. 7 (Deposition Exhibit Number 6 marked.) 8 (Documents handed to the witness and Counsel.) 9 MR. SCHUETTE: Thank you. 10 MS. HUNKER: Thank you. 11 Q. (By Ms. Perales) The court reporter has handed 12 you what has been marked Deposition Exhibit Number 5 and 13 Deposition Exhibit Number 6, and I thought it might just 14 be a little bit easier for us to go through the oaths. 15 So I will ask you first, with respect to 16 Exhibit 5, do you see in the upper left-hand corner, the 17 language prescribed by the Secretary of State? 18 A. Yes. 19 Q. And then, in that little section there at the 20 bottom, 9, slash, 13 -- 21 A. Yes. 22 Q. Okay. Now, if you look at the oath, you'll 23 notice it does not have the language about penalty of 24 perjury or securing a representation from the voter. 25 Do you see that?	1 Exhibit 6 so that we can go through the oath together. 2 A. Okay. 3 Q. There's the -- the language about confining 4 assistance. It now is specific to four things. 5 Do you understand the removal of the language 6 answering questions of the voter -- 7 A. Yes. 8 Q. -- and the replacement with these four specific 9 actions? 10 A. Yes. That's my memory of it, yes. 11 Q. Okay. And do you understand that, then, to 12 mean that the assistor may not answer questions of the 13 voter beyond directing the voter to read the ballot or 14 reading the ballot to the voter? 15 A. Yes. 16 MS. HUNKER: Objection, form. 17 Q. (By Ms. Perales) Can you tell me the machines 18 that you use here in Dallas County, if you use machines 19 to vote? 20 A. There's multiple machines and to -- which -- 21 which piece of the -- there- -- do you want me to 22 describe all the machinery? 23 Q. No. 24 A. Okay. 25 Q. I want to ask: When the voter is marking and

<p>1 casting the ballot --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- here in Dallas County, whether that is done</p> <p>4 on a machine.</p> <p>5 A. Yes. That's the ES&S ExpressVote ballot</p> <p>6 marking device.</p> <p>7 Q. Now, does that device -- scratch that.</p> <p>8 When a voter is marking the ballot on that</p> <p>9 device here in Dallas County, is the voter using a</p> <p>10 touchscreen or a wheel or something else?</p> <p>11 A. They can use a touchscreen, or they can use</p> <p>12 a -- an assistive device for hearing impaired or</p> <p>13 alternate languages.</p> <p>14 Q. Okay. And when the voter has cast the ballot,</p> <p>15 does the machine in Dallas County spit out a piece of</p> <p>16 paper?</p> <p>17 A. It -- it does. It marks the voter's choices on</p> <p>18 that piece of paper for that voter to be able to review.</p> <p>19 Q. And then does the voter take that piece of</p> <p>20 paper and drop it into a separate machine called the</p> <p>21 tabulator?</p> <p>22 A. They drop it into a separate machine called the</p> <p>23 ES&S Dallas -- I mean, ES&S DS200 vote tabulator.</p> <p>24 Q. Wonderful. And not called a trash can?</p> <p>25 A. That's right.</p>	<p>Page 210</p> <p>1 reviewed and taken over and placed inside the tabulator?</p> <p>2 A. I'm sorry. This is really difficult to read;</p> <p>3 it's so small.</p> <p>4 Q. (Moving head up and down.)</p> <p>5 A. I would agree that the language could be</p> <p>6 interpreted -- interpreted to be so narrow in -- in</p> <p>7 its scope, that it would foreclose letting some -- you</p> <p>8 know, telling -- assisting someone in dropping that into</p> <p>9 the vote tabulator.</p> <p>10 Q. With an explanation about what to do?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Would you agree with me that the Oath of</p> <p>13 Assistance does not include the criteria for who is</p> <p>14 eligible for assistance?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. Yes.</p> <p>17 Q. (By Ms. Perales) I want to ask you about the</p> <p>18 language on Line 3. I did not pressure -- use of the</p> <p>19 term "pressure" -- the voter into choosing.</p> <p>20 Would you agree with me that the Oath of</p> <p>21 Assistance does not include a definition of "pressure"?</p> <p>22 A. Yes.</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 Q. (By Ms. Perales) If a -- if someone called</p> <p>25 your office and asked you if it was okay to remind his</p>
<p>1 Q. I have seen some alarmed expressions, so I want</p> <p>2 to explore with you more the confining of assistance.</p> <p>3 Do you -- do you understand the oath now to</p> <p>4 foreclose an assistior from explaining to the voter how</p> <p>5 to use the voting machine aside from pointing out</p> <p>6 anything that might be on the screen, itself, in terms</p> <p>7 of instructions?</p> <p>8 MS. HUNKER: Objection to form.</p> <p>9 A. I believe the -- I believe the language would</p> <p>10 be liberal enough to allow them to assist that voter in</p> <p>11 how to mark that because it says "marking the voter's</p> <p>12 ballot," one of them.</p> <p>13 Q. (By Ms. Perales) So if the -- the assistior</p> <p>14 could mark the ballot for the voter at the voter's</p> <p>15 request?</p> <p>16 A. (Witness moves head up and down.) That's my</p> <p>17 interpretation in reading the -- the plain language of</p> <p>18 this, this oath.</p> <p>19 Q. Okay. If the voter had a question of the</p> <p>20 assistior about what to do with the piece of paper, in</p> <p>21 terms of putting it in the tabulator and that question</p> <p>22 was not answered by reading the ballot, do you</p> <p>23 understand the oath to foreclose the assistior's</p> <p>24 explanation of the fact that this piece of paper is</p> <p>25 going to come out of the machine and then must be</p>	<p>Page 211</p> <p>1 neighbor for three days in a row, during Early Voting,</p> <p>2 that it was coming up and he was available to assist --</p> <p>3 if someone called and asked you, "If I remind that voter</p> <p>4 three times that I'm available to assist them, is that</p> <p>5 pressuring," how would you answer that question?</p> <p>6 MS. HUNKER: Objection to form.</p> <p>7 A. We don't provide legal advice. But I would</p> <p>8 state -- I'll just leave it at that. We don't provide</p> <p>9 legal advice.</p> <p>10 Q. (By Ms. Perales) Okay. Would it also be fair</p> <p>11 to say that you wouldn't have a definition of "pressure"</p> <p>12 in this context to fall back on?</p> <p>13 A. That's correct.</p> <p>14 Q. One more question about confining assistance to</p> <p>15 the four specific actions.</p> <p>16 A. Uh-huh.</p> <p>17 Q. If a voter wants -- okay. Let me -- let me ask</p> <p>18 it this way.</p> <p>19 Do you have a Spanish-speaking poll worker at</p> <p>20 every single polling place in Dallas County?</p> <p>21 A. That is our goal, to have one. We don't always</p> <p>22 have one, but we have a substantial number.</p> <p>23 Q. And then let me ask the same question for your</p> <p>24 new language, Vietnamese.</p> <p>25 A. Uh-huh.</p>

<p style="text-align: right;">Page 214</p> <p>1 Q. Are you aiming to try to have a Vietnamese 2 speaker in every polling place or certain polling 3 places?</p> <p>4 A. It usually takes a while to establish a network 5 of poll workers to be in every location. So what we 6 will do, initially, is to -- to focus on those areas of 7 the county where there's high concentrations of 8 Vietnamese speakers and then grow that; but the goal -- 9 with the goal to have one in every location.</p> <p>10 Q. Okay. Thank you. So let's pick a situation in 11 which the voter speaks a language and only that 12 language --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- and it's not English, so the voter is 15 limited English proficient and this particular polling 16 place does not have an election judge or a poll worker 17 who speaks this language --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- so the voter comes in with an assistor to 20 help -- help the voter.</p> <p>21 A. Uh-huh.</p> <p>22 Q. Would you agree with me that helping the voter 23 communicate with the poll workers and the election judge 24 is outside the scope of the four specific actions: read 25 the ballot, mark the ballot, direct the voter to read</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. (By Ms. Perales) Okay. And you would also 2 agree with me that voting, more generally, encompasses 3 actions that go beyond reading and marking the ballot? 4 For example, checking in and signing in to vote, yes?</p> <p>5 A. Yes.</p> <p>6 Q. And being accepted to vote by the poll workers?</p> <p>7 A. Yes.</p> <p>8 Q. And also includes being shown how to use the 9 voting machine and understanding how to use the voting 10 machine?</p> <p>11 A. Yes. It depends on which machine we're talking 12 about. I mean, the marking the ballot, it's clear that 13 the -- the vote, the ExpressVote, would be marking the 14 ballot, as opposed to using the vote tabulator, dropping 15 the ballot in, and confirming your choices.</p> <p>16 Q. And you would agree with me that the act of 17 voting also includes moving around the polling place, 18 going from one, kind of, spot to another?</p> <p>19 A. There's three distinct stations in our method 20 of voting -- actually, four: checking in, potentially 21 further dealing with exceptions to the standard voting 22 procedure at the -- at the judge's table, marking your 23 ballot, and depositing your ballot.</p> <p>24 Q. And would it be fair to say that, while moving 25 through those four stages of voters, typically moving</p>
<p style="text-align: right;">Page 215</p> <p>1 the ballot, direct the voter to mark the ballot?</p> <p>2 MS. HUNKER: Objection, form.</p> <p>3 A. I think -- I think that you could -- you could 4 interpret that -- that some of the language of those 5 four pieces, in a very narrow way; and that would 6 prevent that. And I think you could read it in a more 7 liberal way that would allow that and, in particular, or 8 you know -- or directing the voter to mark the ballot.</p> <p>9 I mean, in a practical -- from a practical 10 perspective, it would be the more liberal interpretation 11 to -- you know, common sense would tell you we've got to 12 try to assist voters.</p> <p>13 Q. (By Ms. Perales) Understood. You would agree 14 with me that these four specific acts, that the assistor 15 confines assistance to, all involve interaction with the 16 ballot?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 A. Well, in -- on Number 4, or directing the voter 19 to mark the ballot, yes.</p> <p>20 Q. (By Ms. Perales) But -- and you would agree 21 with me that in all four of these actions, someone is 22 interacting with the ballot, either the assistor or the 23 voter; is that right?</p> <p>24 MS. HUNKER: Objection, form.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 217</p> <p>1 through space in the polling place, itself?</p> <p>2 A. That's correct.</p> <p>3 Q. This is a dumb question --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- but would it be fair to say that you would 6 not be aware of what a voter and an assistor would say 7 to each other, prior to coming to vote, about whether 8 the assistor is willing to vote?</p> <p>9 A. Fair.</p> <p>10 Q. To --</p> <p>11 A. That's fair to say.</p> <p>12 Q. Okay. Thank you. Have you done any training 13 of poll workers on the changes created by SB 1 with 14 respect to the Oath of Assistance?</p> <p>15 A. I believe we direct -- we point out the fact 16 that there is a new Oath of Assistance in that -- and 17 how to use that, that oath.</p> <p>18 Q. And -- okay. And would those training 19 materials have been produced in this case? So, for 20 example, you said you had reviewed some material prior 21 to this deposition --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- that you think was disclosed in the first 24 round of disclosures.</p> <p>25 A. Uh-huh.</p>

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<p>1 Q. Do you recall whether any of your training 2 materials were in there? 3 A. I don't recall. 4 Q. Okay. 5 A. I will point out, though, that there is also -- 6 the reference materials that we have at a polling place 7 include, not only our materials (indicating), but also 8 the Secretary of State's guide on how to conduct -- it's 9 a little bit thicker, more detailed, guide for those 10 activities at the polling place. 11 (Ms. Perales confers with Mr. White.) 12 Q. So SB 1 also created a new form for assistors 13 to provide additional information, and I'm going to ask 14 you about that separately. 15 A. (Witness moves head up and down.) 16 Q. But do you recall, specifically, having 17 training for your poll workers on the changes in the 18 language of the oath? 19 A. I -- I don't know. 20 Q. Okay. Do you recall receiving any specific 21 training or guidance from the Texas Secretary of State 22 about how to implement the changes in the assistor oath? 23 A. The Secretary of State provides various 24 election advisories, webinars, et cetera. I don't 25 recall if there was one, in particular, that covered</p>	<p>1 Q. So that's what you're referring to? 2 A. Yes. 3 Q. Okay. Who's -- 4 A. And I -- I believe there's new software that's 5 been -- that's pending approval by the Secretary of 6 State before we can use it. 7 Q. Okay. So you would have to get approval from 8 the Secretary of State before implementing that new 9 software? 10 A. I believe so, yes. 11 Q. Do you have a sense of the timeline for that 12 new software getting approved? 13 A. I wish I knew because that new software has 14 other features that we're very anxious to use. 15 Q. Turning back to SB 1, I'm going to ask you now 16 about this new form. If you will turn again with me to 17 Page 52 of the bill. 18 A. Okay. 19 Q. You'll see that starting on Line 2, there is a 20 new section, because it's all underlined, titled 21 "Submission of Form by Assistant." 22 Do you see that? 23 A. Uh-huh. 24 Q. And would you agree with me that this is a new 25 provision that says that an assistor who is not an</p>
<p>1 this (indicating) area. 2 Q. (Moving head up and down.) Are you aware of 3 any incidents of voter fraud associated with in-person 4 assistance of voters at the polling place? 5 A. No. 6 Q. Are you aware whether Texas has other laws that 7 existed prior to SB 1 that criminalize unlawful voter 8 assistance? 9 A. In the context of an assistant (indicating) 10 providing assistance at a polling place? 11 Q. Yeah. So, for example, do you know if it was 12 illegal before SB 1 to mark the ballot on behalf of the 13 voter, not the way the voter is -- is intending? 14 MS. HUNKER: Objection, form. 15 A. I -- I don't know. 16 Q. (By Ms. Perales) Okay. Looking at the new 17 assistor oath, (indicating) do you know whether Dallas 18 County uses a hard copy form or whether Dallas County 19 uses the Poll Pad to collect the information? 20 A. I believe we use both because the Poll Pad 21 software was not able to be updated in a timely fashion 22 to cha- -- have the -- the modified language. 23 Q. And there's a -- there's an additional 24 requirement to state the relationship and -- 25 A. Uh-huh.</p>	<p>1 election official is required to complete a form stating 2 certain information about the assistor? 3 MS. HUNKER: Objection to form. 4 A. Yes. 5 Q. (By Ms. Perales) Okay. At this point in time, 6 are you using the new form required under this section 7 in hard copy at the polling place? Are -- do you know? 8 A. I believe so, but I can't -- I'd have to 9 confirm that. 10 Q. So if that were the case, help me understand, 11 given the stages that you were describing before, at 12 what point the assistor signs the Oath of Assistance and 13 fills out the new form. 14 Is it after the voter checks in? 15 A. It would be at the check-in table during 16 that -- that point in time. 17 Q. And would you agree with me that filling out a 18 new form is going to take additional time compared to 19 the time period when the form was not required? 20 A. Yes. 21 Q. Would you agree with me that at a polling place 22 where there are more voters voting with assistors, the 23 new requirement of a form is going to take more time for 24 each instance in which an assistor has to fill out that 25 form?</p>

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<p>1 A. Yes.</p> <p>2 MS. HUNKER: Objection, form.</p> <p>3 Q. (By Ms. Perales) And you would understand with</p> <p>4 me, wouldn't you, that this form has to be completed by</p> <p>5 the assistor for each instance of assistance?</p> <p>6 A. Yes.</p> <p>7 Q. All right. So if I come to the polls and I'm</p> <p>8 helping my mother and my aunt, I'm going to have to fill</p> <p>9 out this information twice, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And I will have to take the oath twice?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever assisted a voter at the polling</p> <p>14 place?</p> <p>15 A. Many, many, many years ago. Probably 2001.</p> <p>16 Q. Okay. Tell me what assistance you provided.</p> <p>17 A. I -- I don't recall. This was in Nebraska --</p> <p>18 Q. Uh-huh.</p> <p>19 A. -- when I was working a polling place. I</p> <p>20 couldn't -- it's a vague memory.</p> <p>21 Q. Were you a poll worker at that time?</p> <p>22 A. I was the Chief Deputy Election Commissioner,</p> <p>23 but I made my whole staff go work a polling place so we</p> <p>24 could experience what it was like.</p> <p>25 Q. So, in that moment, you were fulfilling the</p>	<p>1 where an assistor has provided transportation to seven</p> <p>2 or more curbside voters at a ti- -- at one time?</p> <p>3 MS. HUNKER: Objection, form.</p> <p>4 A. I'm not aware of any that have taken place</p> <p>5 since the enactment of SB 1.</p> <p>6 Q. (By Ms. Perales) How about before the</p> <p>7 enactment of SB 1? Are you familiar with any instances</p> <p>8 where an assistor or a person brings seven or more</p> <p>9 curbside voters at one time to vote curbside?</p> <p>10 MS. HUNKER: Same objection.</p> <p>11 A. To vote curbside?</p> <p>12 Q. (By Ms. Perales) Yes.</p> <p>13 A. No.</p> <p>14 Q. Okay. Turn with me, if you would, to Page 54.</p> <p>15 A. Okay.</p> <p>16 Q. Page 54, Line 20, the beginning, Section 6.06.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Are you familiar with this provision which</p> <p>20 creates an offense for compensating or accepting</p> <p>21 compensation to assist a voter to vote by mail?</p> <p>22 A. Yes.</p> <p>23 Q. And would you agree with me that, at the bottom</p> <p>24 of Page 54, the language that is coming out of the</p> <p>25 statute is language related to a performance-based</p>
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<p>1 roll of a poll worker?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. Do you happen to recall whether the --</p> <p>4 whether the voter was elderly or disabled --</p> <p>5 A. I believe --</p> <p>6 Q. -- or --</p> <p>7 A. -- elderly.</p> <p>8 Q. Okay. Do you -- and you don't -- I don't want</p> <p>9 to put words in your mouth about what assistance you</p> <p>10 might have offered the elderly voter, but do you recall</p> <p>11 any details about it?</p> <p>12 A. I don't.</p> <p>13 Q. Turn with me, if you would, to Page 50 --</p> <p>14 A. Okay.</p> <p>15 Q. -- where it starts on Line 19 with Section 6.01</p> <p>16 and then Line 27 where it says f, in parentheses --</p> <p>17 A. (Witness moves head up and down.)</p> <p>18 Q. -- then, quote, A person who simultaneously</p> <p>19 assists seven or more voters voting under this section</p> <p>20 by providing the voters with transportation to the</p> <p>21 polling place must complete and sign a form, unquote.</p> <p>22 And it continues from there.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Are you aware of any instances in Dallas County</p>	<p>1 compensation scheme? Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. So would you agree with me that the -- the</p> <p>4 prohibition on compensating or accepting compensation to</p> <p>5 assist mail voters is being broadened beyond the</p> <p>6 compensation for performance-based activity?</p> <p>7 MS. HUNKER: Objection --</p> <p>8 A. I --</p> <p>9 MS. HUNKER: -- form.</p> <p>10 A. -- don't understand the question.</p> <p>11 Q. (By Ms. Perales) Okay. So would you</p> <p>12 understand with me that before SB 1, if we look at the</p> <p>13 bottom of Page 54, this prohibition on paying people --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- to help voters vote by mail was limited to</p> <p>16 performance-based compensation schemes?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 A. Yes.</p> <p>19 Q. (By Ms. Perales) Okay. And do you understand</p> <p>20 with me a performance-based compensation scheme is where</p> <p>21 you're going to pay somebody by the head to provide</p> <p>22 assistance?</p> <p>23 A. Yes.</p> <p>24 Q. So now with the -- with this language coming</p> <p>25 out of the statute on the bottom of Page 54, do you now</p>

<p style="text-align: right;">Page 226</p> <p>1 understand that the prohibition to either pay someone or 2 to accept payment to assist a voter vote by mail is now 3 expanded to all people who are either paying or getting 4 paid to assist a voter to vote by mail, regardless of 5 whether it is a performance-based scheme?</p> <p>6 MS. HUNKER: Objection to form.</p> <p>7 A. Yes.</p> <p>8 Q. (By Ms. Perales) Okay. And we see on Page 55, 9 on Line 18, there's an exception here for an attendant 10 or a caregiver who is known to the voter?</p> <p>11 A. (Witness moves head up and down.) Yes.</p> <p>12 Q. Do you see that?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Would you agree with me, though, that beyond -- 15 well, would you agree with me, then, that somebody who 16 is paid by a nonprofit community engagement organization 17 to assist voters to vote by mail would fall under the 18 prohibitions of this statute?</p> <p>19 MS. HUNKER: Objection, form.</p> <p>20 A. It appears so, yes.</p> <p>21 Q. (By Ms. Perales) Going to turn forward now to 22 Section 7.04 on Page Fif- -- well, it starts on Page 58, 23 and then it flows over onto Page 59.</p> <p>24 If you look with me, starting on Line 7, 25 there's a definition of "vote harvesting services" on</p>	<p style="text-align: right;">Page 228</p> <p>1 specific to that.</p> <p>2 A. Okay.</p> <p>3 Q. Somebody is going door-to-door canvassing 4 voters to encourage them to vote for the bond for the 5 school district.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Their intent is to convince the voter to vote 8 for the bond because it means new schools, better 9 facilities. And the voter says, Sure, I'll talk with 10 you; I have my mail ballot right here; it's right -- 11 it's right here inside the door. It's right here on the 12 kitchen table.</p> <p>13 Would you agree with me that that would be an 14 in-person interaction with the voter, that -- that 15 canvassing, that conversation?</p> <p>16 A. Yes.</p> <p>17 Q. And would you agree with me that if the voter 18 said the ballot was right there, that that would mean in 19 the physical presence of the ballot?</p> <p>20 A. I guess it --</p> <p>21 MS. HUNKER: Objection, form.</p> <p>22 A. -- depends on how you define physical presence.</p> <p>23 Q. (By Ms. Perales) And would you agree with me 24 that the canvasser, who's urging to voter to vote for 25 the school bond, is intending to get the voter to vote</p>
<p style="text-align: right;">Page 227</p> <p>1 Page 59.</p> <p>2 A. Oh, okay. Here we go. Yes.</p> <p>3 Q. And would you agree with me that the definition 4 of "vote harvesting services" requires an in-person 5 interaction with the voter?</p> <p>6 A. Yes.</p> <p>7 Q. And that interaction has to be in the physical 8 presence of an official ballot or a ballot voted by 9 mail?</p> <p>10 A. Yes.</p> <p>11 Q. And then there has to be the intent to deliver 12 votes for a specific candidate or measure?</p> <p>13 A. Yes.</p> <p>14 Q. Would you agree with me that if a canvasser 15 who's going house-to-house to encourage people to vote 16 for -- well, before I ask my question, I want to know 17 whether you have any bond issues on the ballot for 18 Dallas County for this May 7 election.</p> <p>19 A. There's no Dallas County bond issues. There's 20 city bond issues, and I think there's some school --</p> <p>21 Q. Some school --</p> <p>22 A. -- district bond issues.</p> <p>23 Q. -- or city?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. So I want to make my hypothetical</p>	<p style="text-align: right;">Page 229</p> <p>1 for the school bond?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And if the -- if the voter says, "Well, 4 I have -- I have the ballot right here," and it's let's 5 say within a foot or two of the voter, that would be in 6 the presence of the ballot?</p> <p>7 MS. HUNKER: Objection, form.</p> <p>8 A. I don't think that the statute defines -- and, 9 I mean, it could be in the same house, could be in the 10 same block.</p> <p>11 Q. (By Ms. Perales) Uh-huh.</p> <p>12 A. I mean, it's -- it's vague, so I -- I don't 13 know how to answer that question with specificity.</p> <p>14 Q. Okay. Since we're very close to there, I would 15 like you to flip forward to Page 60, Line 15, which is a 16 section titled "Unlawful Solicitation and Distribution 17 of Application to Vote by Mail."</p> <p>18 Do you see that there?</p> <p>19 A. Yes.</p> <p>20 Q. Do you understand this to be a prohibition on 21 you to send out to voters application for ballot by 22 mail --</p> <p>23 A. Ye- --</p> <p>24 Q. -- when they are not requested?</p> <p>25 A. Yes.</p>

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<p>1 Q. And when the language says "commits an 2 offense," do you understand that to be a criminal act? 3 A. Yes. I believe they go on to say the State 4 Jail Felony. 5 Q. Ye- -- and I imagine you -- you've become aware 6 of that language? 7 A. Yes. Uh-huh. 8 Q. Are you -- are you concerned that certain 9 things that your office might do or might have done in 10 the past would run afoul of this provision and possibly 11 create criminal liability for you? 12 MS. HUNKER: Objection -- 13 A. Yes. 14 MS. HUNKER: -- form. 15 Q. (By Ms. Perales) Can you describe that for me? 16 A. We have, historically, distributed 17 applications, you know, when someone comes in and says, 18 "Hey, I want to provide application; you know, I want to 19 distribute applications for vote by mail," we provide 20 those to them. 21 Q. Uh-huh. 22 A. And we no longer can do that. 23 Q. Uh-huh. So if someone came to your office and 24 said, "I regularly go to church on Sundays, and we have 25 a great group of congregants; I'd love to bring 25</p>	<p>1 THE REPORTER: That's Number 7. 2 MS. PERALES: 7. 3 (Deposition Exhibit Number 7 marked.) 4 MS. HUNKER: Since I can't see it, can you 5 describe what it is? 6 MS. PERALES: Yes, or maybe I'll ask the 7 witness to do that. 8 MS. HUNKER: That's fine. 9 (Document handed to the witness.) 10 Q. (By Ms. Perales) And I'll represent to you 11 that this is a couple of emails that were provided to us 12 today in the supplemental production, and they don't 13 have Bates stamp numbers on them yet. 14 But would it be -- would it be correct to say 15 that this is an exchange of emails in which you are 16 inquiring about prepaying the postage for applications 17 for ballot by mail? 18 A. If you can give me a moment to review it. 19 Q. Please take your time. 20 A. (Witness reviews document.) Okay. 21 (Ms. Perales confers with Mr. White.) 22 Q. Okay. So would it be correct to say that this 23 is an exchange of emails in which you are inquiring 24 about paying the postage or putting the -- Dallas County 25 putting the postage on an application for a ballot by</p>
<p>1 applications for ballot by mail to my next church 2 service, give them to the old folks, the folks over 65," 3 in that situation, would you give the individual the 25 4 applications for ballot by mail? 5 A. Not since the passage of SB 1. 6 Q. And in fact, you would require a voter to 7 request of you the application for ballot by mail before 8 you would send it out, correct? 9 A. That's correct. 10 Q. Are you aware of voters who may have, in the 11 past, gotten their application for ballot by mail 12 without having to ask for it from you? 13 A. Yes. 14 Q. Do you know of any specific instances like 15 that? 16 A. No. 17 Q. Okay. But you're familiar with individuals 18 having come for, let's say, batches of application for 19 ballot by mail because they intend to deliver those to 20 voters who are eligible so that the voter can submit it? 21 A. Yes. 22 Q. So I only have one copy of this, so we're going 23 to mark it; and then I'm going to do my best to remember 24 what it says. 25 A. Okay.</p>	<p>1 mail so that the voter doesn't have to pay the postage 2 to send it to you? 3 A. Yes. 4 Q. Okay. And are you expressing a concern, in 5 these emails, about whether paying that postage could, 6 potentially, get you too close to the prohibited 7 practice under SB 1? 8 A. Yes. 9 Q. Okay. So would it be fair to say that this 10 communication is an expression of your concern that 11 paying the postage on an application for ballot by mail 12 to come back to you is now prohibited? 13 A. Yes. 14 Q. Okay. So you may have resolved your concern? 15 A. (Witness moves head up and down.) 16 Q. But would it be fair to say that, because of 17 the criminal offenses and heavy penalties associated 18 with SB 1, that it caused you to doubt whether some of 19 the practices in Dallas County were going to expose you 20 to criminal prosecution or cause you to worry that some 21 of the practices in Dallas County might expose you to 22 criminal prosecution? 23 MS. HUNKER: Objection to form. 24 A. I would say that it caused us to question the 25 practices to make sure that we weren't getting our --</p>

<p style="text-align: right;">Page 234</p> <p>1 any of our staff in trouble.</p> <p>2 Q. (By Ms. Perales) And so besides refraining</p> <p>3 from handing out multiple applications for ballot by</p> <p>4 mail, can you tell me if you changed any of your other</p> <p>5 practices at Dallas County?</p> <p>6 A. Well, we were very concerned about anything</p> <p>7 having to do with vote by mail applications. For</p> <p>8 instance, I, specifically, remember a candidate wanted</p> <p>9 us to review their application for a vote by mail. And</p> <p>10 it's something that we would normally do, to make sure</p> <p>11 that they've got the right information, dates, et</p> <p>12 cetera. And I said, "Well, even something as simple as</p> <p>13 that, does that put us in legal jeopardy?"</p> <p>14 Q. Uh-huh.</p> <p>15 A. And so, you know, when it comes to state jail</p> <p>16 penalties, you know, I -- I need to try to do as much as</p> <p>17 I can to protect my staff.</p> <p>18 Q. Understood. And I believe this came out</p> <p>19 January 12th. This was before we pro- -- we got</p> <p>20 guidance from the Secretary of State in their election</p> <p>21 advisory on SB 1.</p> <p>22 Okay. And so, as you received guidance from</p> <p>23 the Secretary of State, you are understanding better</p> <p>24 kind of what you can do and -- and what you can't do; is</p> <p>25 that right?</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. -- the law?</p> <p>2 A. Interesting enough.</p> <p>3 Q. Do you think that political party officials are</p> <p>4 more likely to -- are more likely to send out</p> <p>5 application for ballot by mail unsolicited in a way</p> <p>6 that's fair and responsible, more likely than you, to do</p> <p>7 that function?</p> <p>8 MS. HUNKER: Objection, form.</p> <p>9 A. I've always found the restrictions on election</p> <p>10 officials as compared to other individuals to be very</p> <p>11 strange.</p> <p>12 Q. (By Ms. Perales) Okay. Do you think political</p> <p>13 party officials are better equipped than you to send out</p> <p>14 applications for ballot by mail?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. Apparently, the Legislature thinks so.</p> <p>17 Q. (By Ms. Perales) If you turn with me to Page</p> <p>18 62 --</p> <p>19 A. (Witness complies.)</p> <p>20 Q. -- and with the -- beginning on Line 26,</p> <p>21 Section 31.129, you'll see a "Civil Penalty" provision</p> <p>22 there.</p> <p>23 A. Yes.</p> <p>24 Q. And then if we turn to the next page, it</p> <p>25 says -- and I'm starting on Line 1 -- quote, An election</p>
<p style="text-align: right;">Page 235</p> <p>1 A. As time went on, we -- we got a better</p> <p>2 understanding as more election advisories and webinars,</p> <p>3 et cetera, came out.</p> <p>4 Q. Is there still guidance that you've requested</p> <p>5 that you're still waiting to come from the Secretary of</p> <p>6 State's office related to SB 1 implementation?</p> <p>7 A. Off the top of my head, no.</p> <p>8 Q. Okay. You're waiting for approval of new</p> <p>9 software that incorporates some of the SB 1</p> <p>10 requirements, correct?</p> <p>11 A. Correct.</p> <p>12 Q. All right.</p> <p>13 A. And I believe, in this particular case, with</p> <p>14 the solicitation and distribution, there's a pending</p> <p>15 court case on that also, so...</p> <p>16 Q. And you might get more guidance from the</p> <p>17 Secretary of State, also, depending on how litigation</p> <p>18 unfolds?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And then on -- oh, let me ask you this.</p> <p>21 Would you agree with me that, although you're</p> <p>22 not allowed to send out unsolicited applications for</p> <p>23 ballot by mail, that political party officials can still</p> <p>24 do that under --</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 237</p> <p>1 official may be liable to this State for a civil penalty</p> <p>2 if the official -- and then it continues on to Sub 2 --</p> <p>3 violates a provision of this code, unquote?</p> <p>4 A. (Witness moves head up and down.)</p> <p>5 Q. Do you understand that to create a new civil</p> <p>6 penalty, meaning money penalties against you as an</p> <p>7 election official for violating the Election Code?</p> <p>8 A. Yes.</p> <p>9 Q. Are -- are you concerned about liability for</p> <p>10 civil penalties for mistakenly violating the election</p> <p>11 code?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 A. Yes. Every election official I know is</p> <p>14 concerned about that provision.</p> <p>15 Q. (By Ms. Perales) And are you aware of an</p> <p>16 Elections Administrator who got sued during the November</p> <p>17 2020 election for election procedures that she</p> <p>18 implemented?</p> <p>19 A. I'm not aware.</p> <p>20 Q. Okay. Are you -- okay. Not sued.</p> <p>21 Are you aware of an Election Administrator who</p> <p>22 was indicted for actions that she took as an Election</p> <p>23 Administrator? And particularly, I'll point your</p> <p>24 attention to the Travis County Elections Administrator</p> <p>25 Dana DeBeauvoir?</p>

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<p>1 MS. HUNKER: Objection to form.</p> <p>2 A. I'm not aware of the details of that.</p> <p>3 Q. (By Ms. Perales) Okay. Do you know if an 4 indictment was sought against her, if she wasn't 5 indicted?</p> <p>6 MS. HUNKER: Objection to form.</p> <p>7 A. I'm not aware of the details of that.</p> <p>8 Q. (By Ms. Perales) Would it concern you if you 9 knew that the Attorney General's Office had sought to 10 bring criminal charges against the Travis County 11 Elections Administrator in the past?</p> <p>12 A. Yes, it would.</p> <p>13 MS. HUNKER: Objection, form.</p> <p>14 Q. (By Ms. Perales) Do you happen to know -- and 15 I know you haven't been here that long. But do you 16 happen to know if -- if there are circumstances under 17 which a voter could be excused from jury duty because 18 they are not physically present in the county, for 19 example, if they are away taking care of a family member 20 or doing some work out in the oil fields, whether that 21 voter could still consider Dallas County their domicile 22 and their intended place of return?</p> <p>23 A. I think that's a bit of a compound question. 24 I'm not sure I understand which part --</p> <p>25 Q. So there are parts of SB 1 that have to do with</p>	<p>1 Q. -- of that?</p> <p>2 A. -- a series of Senate and House bills that were 3 introduced and, subsequently, died; and SB 1 was the -- 4 kind of the culmination of all of those, yes.</p> <p>5 Q. All right. Thank you.</p> <p>6 So during that process, including the regular 7 session and the special sessions, did you communicate 8 with any members of the Texas Legislature regarding SB 1 9 or its predecessors?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember who in the Texas Legislature 12 you communicated with?</p> <p>13 A. I do not. I know that we had -- there was 14 multiple sessions with multiple legislators and multiple 15 election officials. So there was at least two -- two or 16 three of those.</p> <p>17 Q. Were those sessions in person or --</p> <p>18 A. No.</p> <p>19 Q. Okay. So, like, a Zoom meeting?</p> <p>20 A. Yes.</p> <p>21 Q. And do you know if this was facilitated by the 22 Association of Elections Administrators?</p> <p>23 A. I don't know who the organizers were, but I 24 know that there was participants from that. And there 25 was also -- yeah, so -- so participants from TAEA.</p>
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<p>1 registered voters who are excused from jury duty because 2 of nonresidence.</p> <p>3 A. Uh-huh.</p> <p>4 Q. And I'm wondering whether you think it's 5 possible that a registered voter in Dallas County 6 considers Dallas County to be their actual home, where 7 they live, could also be excused from jury duty for not 8 being in the county when they are called up, besides a 9 college student. Put away the college students because 10 we can think of that scenario right away.</p> <p>11 A. I'm not familiar with the -- the laws around 12 jury duty.</p> <p>13 Q. Okay. Were you aware of either SB 1 or similar 14 predecessor legislation moving through the Texas 15 Legislature in the -- in the spring of 2021 during the 16 regular session? Did you become aware?</p> <p>17 A. Yes.</p> <p>18 Q. And then, of course, we know that similar 19 legislation, then, was considered in the first special 20 session in the summer.</p> <p>21 A. Uh-huh.</p> <p>22 Q. And then finally SB 1 passes in the second 23 special session.</p> <p>24 Are you sort of generally aware --</p> <p>25 A. And there was --</p>	<p>1 Q. TAEA.</p> <p>2 A. Texas Association of Elections Administrators.</p> <p>3 Q. How quickly I've forgotten because we were just 4 talking about this in a previous -- you are not the 5 first county.</p> <p>6 A. Okay.</p> <p>7 Q. So do you remember sharing, personally sharing, 8 any concerns that you might have about this legislation 9 with the legislators on that Zoom call?</p> <p>10 A. Yes. And I -- I believe -- yes.</p> <p>11 Q. Do you recall the Tarrant County Elections 12 Administrator talking about specific numbers of voters 13 on his voter roll that he was saying lacked either a 14 driver's license number or the last four of the Social?</p> <p>15 A. I recall conversations about that subject. I 16 don't recall who said what.</p> <p>17 Q. Okay. And -- okay. So I just want to put that 18 aside for a second because I don't want to forget about 19 the legislators.</p> <p>20 Do you remember which -- the legislators on the 21 Zoom call, were they from all over the state or just 22 from Dallas County?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you remember ever sharing any concerns about 25 SB 1 with any local legislators, ones that represent</p>

<p style="text-align: right;">Page 242</p> <p>1 Dallas County?</p> <p>2 A. Yes.</p> <p>3 Q. And do you remember who those legislators were?</p> <p>4 A. I don't recall.</p> <p>5 Q. Okay. Do you remember whether they were State</p> <p>6 House members or State Senator or some combi--</p> <p>7 A. I believe --</p> <p>8 Q. -- nation?</p> <p>9 A. -- some combination.</p> <p>10 Q. Okay. And can you give me a sense of the type</p> <p>11 of concern that you were sharing with the elected</p> <p>12 officials when you spoke with them?</p> <p>13 A. I think there was a series of concerns</p> <p>14 considering that -- what we (indicating) just talked</p> <p>15 about, criminal penalties for election -- election</p> <p>16 officials, penalties for poll workers for their</p> <p>17 interactions with poll watchers. We were very concerned</p> <p>18 that it would have a chilling effect on being able to</p> <p>19 recruit and retain poll workers, as well as election</p> <p>20 officials, themselves.</p> <p>21 Q. Did you --</p> <p>22 A. As well as other subject- -- I mean, it's --</p> <p>23 it's a big bill, right.</p> <p>24 Q. Did you express any concerns about not being</p> <p>25 able to process applications for ballot by mail or mail</p>	<p style="text-align: right;">Page 244</p> <p>1 Keith Ingram or Christina Adkins were present and you</p> <p>2 were expressing these types of concerns about SB 1?</p> <p>3 A. I know that Christina always leads those</p> <p>4 meetings. I believe Keith is on sometimes. I don't --</p> <p>5 he never typically leads those meetings. He'll chime in</p> <p>6 every so often.</p> <p>7 Q. And so do -- do you recall whether you were</p> <p>8 ever expressing a concern about SB 1, either with</p> <p>9 respect to penalties on election officials, the</p> <p>10 poll-watcher issue or the matching-the-ID-number issue</p> <p>11 when Christina Adkins was on the call?</p> <p>12 A. Most likely, yes.</p> <p>13 Q. All right.</p> <p>14 A. I don't remember the exact specific instance,</p> <p>15 but most likely.</p> <p>16 Q. And would it be fair to say that Elections</p> <p>17 Administrators on the advisory committee were largely</p> <p>18 expressing similar concerns about SB 1 to Ms. Adkins</p> <p>19 and, to the extent he was there, Mr. Ingram?</p> <p>20 MS. HUNKER: Objection --</p> <p>21 A. Ye--</p> <p>22 MS. HUNKER: Objection, form.</p> <p>23 A. Yes.</p> <p>24 Q. (By Ms. Perales) Did you ever have</p> <p>25 communications with Governor Greg Abbott or his office</p>
<p style="text-align: right;">Page 243</p> <p>1 ballots because of the new requirements to match ID</p> <p>2 number?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever express any of the concerns that</p> <p>5 we were just talking about a moment ago to anybody in</p> <p>6 the office of the Secretary of State?</p> <p>7 A. I believe -- we have biweekly meetings.</p> <p>8 There's an elections advisory group of election</p> <p>9 officials. And I believe, on more than one occasion, we</p> <p>10 shared our concerns --</p> <p>11 Q. Are you --</p> <p>12 A. -- with them.</p> <p>13 Q. Are you a member of the Election Advisory</p> <p>14 Committee?</p> <p>15 A. Yes.</p> <p>16 Q. We were talking to Yvonne Ramon a week or so</p> <p>17 ago, and she said she was also a member.</p> <p>18 A. Okay.</p> <p>19 Q. She's also on there, do you know?</p> <p>20 A. I don't know who --</p> <p>21 Q. From Hidalgo County.</p> <p>22 A. I believe so, but I don't know the whole list</p> <p>23 of people on that committee. It varies, depends on who</p> <p>24 makes the meeting.</p> <p>25 Q. So do you recall any meetings in which either</p>	<p style="text-align: right;">Page 245</p> <p>1 or staff regarding SB 1 or its predecessors?</p> <p>2 A. No.</p> <p>3 Q. Did you ever have communications with the</p> <p>4 Attorney General, Ken Paxton, or his staff regarding SB</p> <p>5 1 or its predecessors?</p> <p>6 A. No.</p> <p>7 Q. All right. You never called them up and said,</p> <p>8 Okay, so if I did this, are you going to prosecute me?</p> <p>9 A. No.</p> <p>10 Q. Okay. Have you, personally, had communications</p> <p>11 with Dallas County voters regarding any problems that</p> <p>12 have come up in the implementa-- problems for them</p> <p>13 that have come up in the implementation of SB 1?</p> <p>14 MS. HUNKER: Objection, form.</p> <p>15 A. Yes.</p> <p>16 Q. (By Ms. Perales) Okay. Tell me about those</p> <p>17 communications.</p> <p>18 A. Well, I think -- you know, we interact with a</p> <p>19 lot of voter groups, Dallas Votes, Legal Women Voters,</p> <p>20 et cetera. And through those groups -- or in our</p> <p>21 Citizen Election Advisory Committee, through those</p> <p>22 groups, we've had discussions about the problematic</p> <p>23 aspects of SB 1.</p> <p>24 Q. And would it be fair to say that, in those</p> <p>25 meetings, the -- the groups that you're talking about</p>

<p style="text-align: right;">Page 246</p> <p>1 have expressed to you concerns about people -- voters 2 having a harder time voting under SB 1? 3 A. Yes. 4 MS. HUNKER: Objection, form. 5 Q. (By Ms. Perales) Have you spoken to any 6 individual voters who had problems voting under SB 1? 7 A. I have to think. I'm not sure. Yes, yes. Now 8 that I'm thinking about it, yes. 9 Q. Tell me about what you can remember of those 10 communications. 11 A. I was trying to remember. This one had to do 12 with a particular constituent's mother not being able to 13 get a replacement mail ballot. Gosh, I'm -- I'm trying 14 to remember the details, but having to do with the -- 15 the mail ballot aspects, as far as providing the IDs, et 16 cetera. 17 Q. So this was a voter who was trying to fulfill 18 the ID number requirement -- 19 A. Yes. 20 Q. -- that was created by SB 1 -- 21 A. Uh-huh. 22 Q. -- and through -- using the mail ballot and was 23 having a hard time -- 24 A. Yes. 25 Q. -- voting?</p>	<p style="text-align: right;">Page 248</p> <p>1 turnout in the general election? 2 A. Yes. 3 Q. And would you say, as a general matter, that 4 voter turnout in a spring election, like the one that 5 will happen in May, on May 7th, would typically be lower 6 than the turnout in a primary election? 7 A. Yes. 8 Q. Do you have any concerns about the impact of SB 9 1 on the upcoming November 2022 midterm election? 10 MS. HUNKER: Objection, form. 11 A. Yes. 12 Q. (By Ms. Perales) Okay. And can you list what 13 those concerns are? 14 A. I have continuing concerns about the provisions 15 of the -- the ID requirements for mail ballots, in that 16 the high rejection rate for applications and the 17 ballots, themselves. I have concerns about the chilling 18 effect that the poll watcher provisions have on poll 19 worker recruitment and retention. I'd have to kind of 20 think a little bit deeper about some of the other 21 provisions of SB 1, but those are my main ones. 22 Q. Do you believe that there are voters who will 23 attempt to vote by mail in the November general election 24 who have not yet encountered the ID matching 25 requirements of SB 1 because they didn't vote in the</p>
<p style="text-align: right;">Page 247</p> <p>1 A. Uh-huh. 2 Q. Do you know if that voter ever successfully 3 voted? 4 A. Yes. 5 Q. You do know? 6 A. This one I'm thinking of, yes. 7 Q. And did that voter successfully vote? 8 A. Yes. 9 Q. Okay. Do you know how the voter voted, like, 10 did the -- did the voter, for example, end up having to 11 go to the polling place and vote in person? 12 A. No. I think they got a replacement -- a 13 replacement ballot, I believe. 14 Q. Okay. So you -- you were not getting all the 15 phone calls that Tacoma Phillips was getting? 16 A. I typically don't. I mean, that's why Tacoma's 17 there. 18 Q. Right. Would it be correct to say that you did 19 not work for Dallas County Elections in the November 20 2020 election? 21 A. That's correct. 22 Q. That saves us a few questions. 23 A. Uh-huh. 24 Q. Would you say that, as a general matter, voter 25 turnout in the partisan primary is lower than voter</p>	<p style="text-align: right;">Page 249</p> <p>1 primary? 2 A. Absolutely. 3 Q. All right. And do you anticipate that, at 4 least for some of those voters, for the first time, they 5 are going to have either their application for ballot by 6 mail or their mail ballot rejected because there is not 7 a matching ID number in your records? 8 A. Yes. 9 MS. PERALES: Can we go off the record for 10 a few minutes? 11 (Mr. Stool moves head up and down.) 12 THE VIDEOGRAPHER: Going off the record. 13 The time is 5:53. 14 (Break taken.) 15 (Deposition Exhibit Number 8 marked.) 16 THE VIDEOGRAPHER: We are back on the 17 record. The time is 6:08. 18 Q. (By Ms. Perales) I'm handing you what has been 19 marked Deposition Exhibit Number 8. 20 (Document handed to the witness and Counsel.) 21 Q. Do you -- do you recognize this document? 22 A. Yes. 23 Q. And do you -- do you see it's got some Bates 24 stamp numbers on it starting with "MS" in the bottom 25 right-hand -- oh, the -- yes, the Bates stamp MS, and</p>

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<p>1 the first page is many zeros and then the --</p> <p>2 A. Yes.</p> <p>3 Q. -- number, 2?</p> <p>4 A. Yes.</p> <p>5 Q. And is "MS," is that for your initials?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Do you -- do you, generally, know what</p> <p>8 this document is?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know who prepared it?</p> <p>11 A. Yes.</p> <p>12 Q. Who prepared it?</p> <p>13 A. We -- I hired a -- created a position called an</p> <p>14 Elections Analyst, hired a young attorney to fill that</p> <p>15 position. And one of her roles is to monitor</p> <p>16 legislation and to assist our managers in interpreting</p> <p>17 or being aware of that legislation and incorporating the</p> <p>18 changes into their procedures.</p> <p>19 Q. Okay. And --</p> <p>20 A. And this is a document (indicating) that she</p> <p>21 produced to help with that.</p> <p>22 Q. And when she was preparing comments for the</p> <p>23 column titled, quote, Possible Impacts, slash, Changes,</p> <p>24 slash, Comments, unquote, was she also receiving some</p> <p>25 input from staff in the Elections Department --</p>	<p>1 A. Uh-huh. Yes.</p> <p>2 Q. And will you read with me in the box on the</p> <p>3 right, at the first dot? Tell me if I'm reading this</p> <p>4 correctly, quote, need clarity on whether this law guts</p> <p>5 cognitive disabilities, if any, unquote.</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall having a conversation with</p> <p>8 anybody in your department about whether the</p> <p>9 restrictions on assistance were going to make it</p> <p>10 difficult to assist a voter with cognitive disabilities?</p> <p>11 A. If you give me a moment, I want to read the --</p> <p>12 the left-hand side and then see if I can refresh my</p> <p>13 memory here.</p> <p>14 Q. (Moving head up and down.)</p> <p>15 A. (Witness reviewing document.) I don't have any</p> <p>16 specific memories of this particular section, just of</p> <p>17 the document overall and covering the various subjects</p> <p>18 with various department heads.</p> <p>19 Q. Do you know who the preparer of the document</p> <p>20 might have spoken to that would have caused her to</p> <p>21 write, in the comments section, needing clarity about</p> <p>22 whether the law guts cognitive disabilities?</p> <p>23 A. In addition to reading the legislation, she was</p> <p>24 also keeping abreast of other analysis of the law. And</p> <p>25 it could have come from that. It could have come from</p>
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<p>1 A. Ye --</p> <p>2 Q. -- in order to do that?</p> <p>3 A. Yes. She would meet with each department and</p> <p>4 kind of go over these changes and get their feedback, et</p> <p>5 cetera.</p> <p>6 Q. I'm going to draw your attention to the very</p> <p>7 last page of this document (indicating).</p> <p>8 A. Okay.</p> <p>9 Q. Now, I'll represent to you that, when I</p> <p>10 received this document -- it's been produced more than</p> <p>11 once, but the one that has the Bates stamp on it from</p> <p>12 before --</p> <p>13 A. (Witness moves head up and down.)</p> <p>14 Q. -- also had legislation attached to the back --</p> <p>15 A. (Witness moves head up and down.)</p> <p>16 Q. -- but I only copied the slide's portion.</p> <p>17 A. Okay.</p> <p>18 Q. So I'm going to refer you to the back page. It</p> <p>19 doesn't have a Bates stamp number, but it -- it has</p> <p>20 Assistance of Voters (pointing) across the top. And</p> <p>21 then I'm going to point your attention to the -- one,</p> <p>22 two -- third row down, which is in gray and is talking</p> <p>23 about the changes (pointing) related to Section 64.031.</p> <p>24 A. (Witness moves head up and down.)</p> <p>25 Q. Do you see that there?</p>	<p>1 her own mind. It could have come from conversations</p> <p>2 with staff. I don't know.</p> <p>3 Q. My last question to you is whether you've done</p> <p>4 any examination of Dallas County's practices with</p> <p>5 respect to voters who need assistance, specifically with</p> <p>6 the goal of making sure that you are providing</p> <p>7 assistance to voters who need it?</p> <p>8 A. Since I've come here, my MO as an Elections</p> <p>9 Administrator, is -- is to -- is someone who rebuilds an</p> <p>10 organization, and so we have looked at the practices in</p> <p>11 Dallas County and -- from A to Z and are retaking a look</p> <p>12 at all of those practices and starting with the ones</p> <p>13 that -- where we're most vulnerable and have made</p> <p>14 significant changes to the -- the practices in the</p> <p>15 county. But we're not -- it takes a long time to do</p> <p>16 that. It takes years.</p> <p>17 And so, it certainly -- that is one of the many</p> <p>18 things that's on our list of things to do that we</p> <p>19 haven't been able to do yet. So until we get there,</p> <p>20 it's status quo from the county's previous practices.</p> <p>21 But it's certainly something that's high on our priority</p> <p>22 to do in the future.</p> <p>23 Q. Thank you.</p> <p>24 MS. PERALES: And I want to thank you for</p> <p>25 your time and your patience today.</p>

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<p>1 I'm going to pass the witness to 2 Mr. White.</p> <p>3 MR. WHITE: Thank you.</p> <p>4 EXAMINATION</p> <p>5 BY MR. WHITE:</p> <p>6 Q. Mr. Scarpello, thank you for your patience. I 7 wanted to ask a few questions about SB 1's provisions 8 relating to poll watchers.</p> <p>9 A. Yes.</p> <p>10 Q. But before we even turn to SB 1, did poll 11 watchers serve at Dallas County polling sites before 12 SB 1 took effect?</p> <p>13 A. Yes.</p> <p>14 Q. Does your office track the amount of poll 15 watchers who report to polling sites?</p> <p>16 A. I believe we have documentation, from those 17 poll watcher certificates, that are collected in -- in 18 the elections, yes.</p> <p>19 Q. And when you refer to the "poll watcher 20 certificates," are you referring to the training 21 certificates that they are required to --</p> <p>22 A. Yes --</p> <p>23 Q. -- complete?</p> <p>24 A. -- the documents that they turn in to us.</p> <p>25 Q. Okay. And the certificates that you're</p>	<p>1 election irregularities and reported those 2 irregularities to poll -- poll officials?</p> <p>3 A. Not that I'm aware of.</p> <p>4 Q. Okay. Did you train election workers about 5 SB 1's provisions relating to poll watchers?</p> <p>6 A. Yes.</p> <p>7 Q. You trained them, personally --</p> <p>8 A. No.</p> <p>9 Q. -- or your office?</p> <p>10 A. No.</p> <p>11 Q. At home?</p> <p>12 A. We have a training program.</p> <p>13 Q. Okay. Who in your office conducted the 14 training?</p> <p>15 A. We have a -- we have a training staff -- that 16 was two people until recently; a third person was just 17 added -- of full-time staff members. But the people 18 that actually do the training, for the most part, are 19 temporary workers that were -- I think we hired about 20 eight or nine temporary staff that facilitate our 21 training classes. For the most part, though, our 22 training is recorded so that we have a consistency -- 23 consistency between classes.</p> <p>24 Q. Okay. And when did this training occur? I'm 25 sorry. When did this training of election workers about</p>
<p>1 referring to, that was -- poll watchers were required to 2 present those as a result of SB 1, right?</p> <p>3 A. Yes.</p> <p>4 Q. And so before SB 1 was enacted, did your office 5 have any way of tracking how poll watchers --</p> <p>6 A. I --</p> <p>7 Q. -- how many poll watchers reported for service?</p> <p>8 A. I don't know that we have reliable information 9 on the number of poll watchers that we had in the past.</p> <p>10 Q. Okay. Are you aware of any instance of poll 11 watchers harassing voters at Dallas County polling sites 12 prior to SB 1 being enacted?</p> <p>13 A. None that I'm aware -- no specific ones that 14 I'm aware of.</p> <p>15 Q. Is that because -- I'm sorry. Can you remind 16 me when you first started working at the Dallas 17 County --</p> <p>18 A. December 7th, 2020.</p> <p>19 Q. Okay. Are you aware of any incidents of poll 20 watchers harassing election workers at Dallas County 21 polling sites before SB 1?</p> <p>22 MS. HUNKER: Objection, form.</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. (By Mr. White) Are you aware of any instances 25 prior to Senate Bill 1 where poll watchers discovered</p>	<p>1 the SB 1's provisions relating to poll watchers occur?</p> <p>2 A. I believe -- so we revised a lot of our 3 training materials, a significant amount of our training 4 materials, going into the November election and -- and 5 made further modifications in preparations for the March 6 elections because of SB 1.</p> <p>7 Q. Okay. And what was covered -- can you describe 8 what was covered during the most recent training that 9 you conducted?</p> <p>10 A. I -- I don't know -- I can't tell you that -- I 11 can't quote verbatim what was said, but I can tell you 12 the -- the gist of it was that -- to warn poll workers 13 not to interfere with the movement of poll watchers; 14 otherwise, they could face legal jeopardy.</p> <p>15 Q. Okay. I want to talk about some of those 16 specific provisions.</p> <p>17 Do you have the exhibit that -- like, Holly 18 gave you a copy of SB 1 --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- in front of you?</p> <p>21 Can you turn to Page 27 of that?</p> <p>22 A. (Witness complies.) Okay.</p> <p>23 Q. And let's take a look at Lines 12 through 15, 24 which I believe is Subsection g, and you can read it to 25 yourself and just let me know when you're finished.</p>

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<p>1 A. (Witness reviewing document.) Okay.</p> <p>2 Q. What is your understanding of what this -- or</p> <p>3 sorry. Strike that.</p> <p>4 Are you familiar with this provision?</p> <p>5 A. Yes.</p> <p>6 Q. And what is your understanding of what it</p> <p>7 requires?</p> <p>8 A. That -- that interfering -- you know, that an</p> <p>9 election officer commits an offense if they interfere</p> <p>10 with a poll -- a poll watcher and it's a Class A</p> <p>11 misdemeanor and that there's certain paperwork and oaths</p> <p>12 that need to be taken by that poll watcher.</p> <p>13 Q. Did your office adopt any new policies or</p> <p>14 procedures to address this provision?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. And what were those?</p> <p>17 A. To accept that -- to be aware of this new</p> <p>18 provision and to -- to accept that certificate, et</p> <p>19 cetera.</p> <p>20 Q. Okay. Let me ask you about other provisions,</p> <p>21 and that's one relating to poll watchers.</p> <p>22 Can you flip to the next page, Page 28; and</p> <p>23 look at Lines 3 through 5?</p> <p>24 A. (Witness complies.) Okay.</p> <p>25 Q. Have you seen this provision before?</p>	<p>1 machine where voters cast their ballot?</p> <p>2 MS. HUNKER: Objection, form.</p> <p>3 A. That is something that we would not allow.</p> <p>4 Q. (By Mr. White) And why wouldn't you allow</p> <p>5 that?</p> <p>6 A. The privacy of a voter, being able to cast a</p> <p>7 ballot in privacy.</p> <p>8 Q. Is there anything in SB 1, that you're aware</p> <p>9 of, that would prohibit that?</p> <p>10 A. No.</p> <p>11 Q. And let me also ask you if you could flip</p> <p>12 back -- backwards to Page 25, Lines 3 through 7.</p> <p>13 A. (Witness complies.)</p> <p>14 Q. Maybe you can just take a second to read that.</p> <p>15 MS. HUNKER: What page?</p> <p>16 MR. WHITE: Page 25.</p> <p>17 MS. HUNKER: Thank you.</p> <p>18 A. (Witness reviews document.) Okay.</p> <p>19 Q. (By Mr. White) Have you seen this provision</p> <p>20 before?</p> <p>21 A. Yes.</p> <p>22 Q. Is it fair to say that this provision requires</p> <p>23 poll workers to report suspected irregularities to</p> <p>24 election officials?</p> <p>25 A. Yes.</p>
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<p>1 A. Yes.</p> <p>2 Q. And what does it mean?</p> <p>3 A. That a poll watcher cannot be limited in where</p> <p>4 they -- their activities as a watcher.</p> <p>5 Q. What is your understanding of what the phrase</p> <p>6 "free movement" means?</p> <p>7 A. I think kind of what I just said, where they --</p> <p>8 they can go where they want in order to observe election</p> <p>9 activities.</p> <p>10 Q. Did you receive guidance from the Secretary of</p> <p>11 State's office about the meaning of "free movement" or</p> <p>12 the lengths to which poll watchers are allowed to</p> <p>13 operate within polling places?</p> <p>14 A. I believe --</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. I believe there's an elections advisory,</p> <p>17 that -- if I remember correctly, that there's an</p> <p>18 elections advisory that kind of outlines this particular</p> <p>19 section.</p> <p>20 Q. (By Mr. White) Okay. Is it your understanding</p> <p>21 that -- under this provision of Senate Bill 1, can a</p> <p>22 poll watcher follow a voter through a polling place?</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 A. I believe so.</p> <p>25 Q. (By Mr. White) Can poll watchers stand by the</p>	<p>1 Q. Who are the election officials to whom poll</p> <p>2 watchers are obligated to report irregularities?</p> <p>3 A. We encourage them to talk to the election</p> <p>4 judge, the presiding judge --</p> <p>5 Q. And to --</p> <p>6 A. -- and to not -- not interact with the clerks.</p> <p>7 Q. And why -- why do you encourage them to not</p> <p>8 interact with the clerks?</p> <p>9 A. Because the judge has more thorough training</p> <p>10 and knowledge of what is allowed and what is not</p> <p>11 allowed, whereas the clerks do not.</p> <p>12 Q. And --</p> <p>13 A. As well as just the general procedures; they</p> <p>14 have a deeper understanding of how the conduct -- and</p> <p>15 they are responsible for the conduct of the election at</p> <p>16 that polling place.</p> <p>17 Q. And do election judges and clerks have</p> <p>18 responsibilities on Election Day apart from waiting to</p> <p>19 hear complaints from poll watchers?</p> <p>20 A. Yes.</p> <p>21 Q. And what are some of those responsibilities?</p> <p>22 A. Generally speaking, the judge is responsible</p> <p>23 for all activities within that polling place, including</p> <p>24 directing the activities to open it, close it, to run</p> <p>25 it, as well as the specific responsibilities to handle</p>

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<p>1 what we call exceptions to the standard voting 2 procedure. Clerks handle the 80 percent that are easy. 3 judges handle the 20 percent that are difficult. 4 Q. Okay. So when a poll watcher is reporting a 5 suspected irregularity to an election official, is it 6 fair to say that the election official will be unable to 7 handle their other responsibilities while they are 8 dealing with the -- a watcher. 9 MS. HUNKER: Objection, form. 10 A. I don't know that that's -- I mean, being a 11 judge is difficult, and they have to juggle. And -- and 12 so that's just another piece of their job that they have 13 to juggle, as well as dealing with difficult voters and 14 dealing with signs and, you know, dealing with the -- 15 all the other things that someone who's running a 16 polling place has to deal with. 17 Q. (By Mr. White) Well, would you agree that 18 while an election official is talking to or interacting 19 with a poll watcher, they are not able to do any of the 20 other tasks they're assigned to do? 21 MS. HUNKER: Objection, form. 22 A. I would agree that most people can -- they have 23 to deal with one thing at a time. 24 Q. (By Mr. White) Okay. During the March primary 25 of this year, did Dallas County experience a shortage of</p>	<p>1 (Document handed to the witness.) 2 Q. So I'll just represent to you this is a news 3 article about some of, like, the wait times and worker 4 shortages during the March primary in Dallas County, 5 which I'm sure you're familiar with. 6 And if I could ask you to turn to Page 5 of 7 this article. 8 A. (Witness complies.) 9 Q. And the last full paragraph on Page 5 -- I'll 10 just read it aloud -- says: "Scarpello also said some 11 election judges were afraid of being prosecuted under a 12 provision of the law related to partisan poll watchers." 13 Did I read that correctly? 14 A. Yes. 15 Q. And then it goes on to say: (Reading) SB 1 16 makes it a misdemeanor offense for a worker to knowingly 17 prevent (sic) a watcher from observing an activity or 18 procedure the person knows the watcher is entitled to 19 observe. 20 Did I read that correctly? 21 A. Yes. 22 Q. How did you become aware that election judges 23 were afraid of being prosecuted under this provision? 24 A. We had several judges tell us that. 25 Q. How many judges?</p>
<p>1 poll workers at polling sites? 2 A. Yes. 3 Q. How significant of a shortage? 4 A. It was very significant. 5 Q. Can you explain more what you mean by that? 6 A. We had a big shortage of judges, in particular, 7 where judges had committed to working and then didn't 8 show up two days prior to the election to pick up their 9 supplies. I think we had 71 no-shows on the Sunday 10 before the election, then some more on Election Day. 11 Q. Okay. I want to pass you exhibits. I'm not 12 sure what exhibit number we are up to, but -- 13 THE REPORTER: 9. 14 MR. WHITE: 9. 15 Q. Okay. I'll pass you what I would ask the court 16 reporter to mark as Exhibit 9. 17 (Document handed to the court reporter.) 18 Q. And I'll represent to you this is a news 19 article about some of the -- 20 MR. WHITE: Oh, I'm sorry. Could you -- 21 THE REPORTER: I've got -- you've got to 22 quit talking for me to mark it. I'm sorry. 23 (Deposition Exhibit Number 9 marked.) 24 THE REPORTER: Okay. Thank you. 25 MR. WHITE: Thanks.</p>	<p>1 A. I don't know. 2 Q. And who did they speak to about these concerns? 3 A. Staff -- county -- our staff -- voting site 4 staff. 5 Q. And so is it fair to say that this provision 6 was a cause of election judges not reporting for duty -- 7 or, sorry. Strike that. 8 Is it fair to say that this provision was a 9 cause of the poll worker shortages that we were just 10 discussing? 11 MS. HUNKER: Objection, form. 12 A. My speculation is that it was a contributing 13 factor. 14 Q. (By Mr. White) And what other factors do you 15 believe led to the poll shortage, poll worker shortage? 16 A. There's a general -- there's a general degree 17 of people not wanting to volunteer or not wanting to 18 work. We have difficulties getting temporary workers, 19 full time workers, poll workers. And so I think that, 20 you know, there's a -- wherever you go, we see that, 21 right? You go to McDonald's. You can't -- they don't 22 have workers. 23 And so I think that's a contributing factor. I 24 think this -- this legislation's a contributing factor. 25 I think there's lots of factors.</p>

<p style="text-align: right;">Page 266</p> <p>1 Q. Did you have to close polling sites as a result 2 of the shortage of poll workers?</p> <p>3 A. Yes.</p> <p>4 Q. How many?</p> <p>5 A. I believe it was -- gosh, don't -- I think it 6 was nine, and then we ended up open -- opening one of 7 those nine later in the -- the morning.</p> <p>8 Q. Where, in Dallas County, were these nine poll 9 sites --</p> <p>10 A. Scattered throughout the county.</p> <p>11 Q. Scattered throughout. Who decided to close 12 them?</p> <p>13 A. I did.</p> <p>14 Q. Did you attempt to recruit other poll workers 15 or election judges before making that decision?</p> <p>16 A. Yes. I mean, remember, I said 71 didn't show 17 up on Sunday to pick up their supplies. So, on Monday, 18 we scrambled and reassigned people and moved alternate 19 judges and successfully patched most of those holes 20 except for those eight or nine.</p> <p>21 Q. Did the shortage of poll workers cause longer 22 wait times for voters at polling sites?</p> <p>23 A. Yes.</p> <p>24 MS. HUNKER: Objection, form.</p> <p>25 Q. (By Mr. White) If you could turn to Page 2 of</p>	<p style="text-align: right;">Page 268</p> <p>1 you -- what is your basis for saying that's impossible 2 as someone, personally, who has not worked at an 3 election -- an election site.</p> <p>4 A. Given the time it takes to process a voter and 5 for a voter to cast a vote and that the potential line, 6 physical area, for the line to -- to, actually, line 7 up --</p> <p>8 Q. Uh-huh.</p> <p>9 A. -- it's unlikely. And that's why we're 10 investigating.</p> <p>11 Q. Okay.</p> <p>12 A. Yeah. People -- people have their own 13 perception of reality --</p> <p>14 Q. Sure.</p> <p>15 A. -- many times.</p> <p>16 Q. Did you -- are you aware of -- sorry. Strike 17 that.</p> <p>18 Did you talk to other voters about wait times 19 during the March 2022 primary?</p> <p>20 A. Yes.</p> <p>21 Q. And what is your understanding of how much 22 longer than usual wait times were during the primary 23 election?</p> <p>24 A. I think that, in some instances when we had 25 poll worker shortages, that there were less people to</p>
<p style="text-align: right;">Page 267</p> <p>1 the article that I just gave you.</p> <p>2 A. Uh-huh.</p> <p>3 Q. At the bottom, there are a couple of paragraphs 4 talking about a voter named Gladys Ivy who says that she 5 waited for four hours to vote at the Disciple Central 6 Community Church in DeSoto.</p> <p>7 Are you aware of that polling site?</p> <p>8 A. I am.</p> <p>9 Q. And are you familiar with -- oh, strike that.</p> <p>10 Are you familiar with this story about Gladys 11 Ivy having to wait four hours?</p> <p>12 A. I am familiar with it, and I have my doubts 13 about it. We're investigating that. It's highly 14 unlikely someone waited four hours.</p> <p>15 Q. Okay. Why do you have your doubts?</p> <p>16 A. Because it's highly unlikely someone waited 17 four hours. It's -- the math just doesn't add up.</p> <p>18 Q. Okay. What do you -- were there other -- I'm 19 sorry. Strike that.</p> <p>20 Why -- why do you think the math doesn't add 21 up?</p> <p>22 A. Because it's -- it would be nearly impossible 23 for someone to wait four hours for that curbside voting 24 that she claims.</p> <p>25 Q. I guess I'm just trying to understand why</p>	<p style="text-align: right;">Page 269</p> <p>1 check in workers. And at those locations, they had to 2 wait longer to check in. And so then there -- there 3 would be waits at those locations. But generally 4 speaking, there were -- when -- when we had a compliment 5 of voter -- poll workers, there were no waits.</p> <p>6 Q. Okay. So when there were poll worker 7 shortages, the wait times were longer, if I'm --</p> <p>8 A. Correct.</p> <p>9 Q. -- understanding you correctly. Okay.</p> <p>10 And do you have a sense of how much longer 11 people typically had to wait because of these poll 12 worker shortages?</p> <p>13 A. No.</p> <p>14 Q. Okay. Is there anyone in your office that 15 would know that --</p> <p>16 A. No.</p> <p>17 Q. -- answer?</p> <p>18 A. We don't have metrics on that.</p> <p>19 Q. Okay. Did your office receive complaints about 20 wait times following the March 2022 primary election?</p> <p>21 A. A handful.</p> <p>22 Q. And when you say "a handful" (indicating), how 23 many are you thinking?</p> <p>24 A. I don't -- I couldn't quantify.</p> <p>25 Q. More than five?</p>

<p style="text-align: right;">Page 270</p> <p>1 A. Yes.</p> <p>2 Q. More than 20?</p> <p>3 A. Probably not.</p> <p>4 Q. Okay. In the March 2022 primary, did poll 5 watchers appear at Dallas County polling locations?</p> <p>6 A. Poll watchers?</p> <p>7 Q. Yeah.</p> <p>8 A. Yes.</p> <p>9 Q. And I think I asked you this before, but do you 10 know how many appeared during the March 2022 primary?</p> <p>11 A. I don't have that information. I don't know 12 that information.</p> <p>13 Q. Okay. Were there particular precincts where 14 poll watchers were more likely to report for service in 15 Dallas County?</p> <p>16 MS. HUNKER: Objection, form.</p> <p>17 A. I -- I'm not aware of any particular location 18 where there was a significant amount of -- of poll 19 watchers.</p> <p>20 Q. (By Mr. White) Okay. In the March 2022 21 primary, are you aware of any instance where poll 22 watchers intimidated voters?</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 A. We had one location where we had a conflict 25 between a poll watcher and a judge. I don't know that</p>	<p style="text-align: right;">Page 272</p> <p>1 that location.</p> <p>2 Q. And when the Sheriff Deputies arrived at the 3 location, what happened next?</p> <p>4 A. I -- I don't know the specifics of who did what 5 at that point. I know the Sheriff's Deputies worked 6 with the judge to -- to make sure that she felt safe 7 and -- and that there weren't any further problems.</p> <p>8 Q. Do you know if the poll watcher was removed 9 from the polling site?</p> <p>10 A. I don't think -- I think some of this conflict 11 happened after the polling place was already closed.</p> <p>12 Q. Okay. Before the polling place was closed, did 13 this conflict lead to any disruptions in the 14 administration of the election at the polling site?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 A. I don't believe so.</p> <p>17 Q. (By Mr. White) And you said that this conflict 18 arose from the Republican co-judge giving potentially 19 unwarranted access to the poll watcher.</p> <p>20 Am I describing your testimony correctly?</p> <p>21 A. That's correct.</p> <p>22 Q. And what kind of access was being given to the 23 poll watcher?</p> <p>24 A. I believe they were -- they were attempting to 25 open up the ballot box on the vote tabulator.</p>
<p style="text-align: right;">Page 271</p> <p>1 there was a conflict between the poll watcher and any 2 voters.</p> <p>3 Q. (By Mr. White) Okay. And what was -- what 4 location was this?</p> <p>5 A. Early voting site. The -- the name escapes me 6 right now, but it's on the tip of my tongue. I can't 7 remember.</p> <p>8 Q. Okay. What was the nature of the conflict 9 between the poll watcher and the judge?</p> <p>10 A. There's -- they were co-judges for this 11 election because it was a joint election. There was a 12 Republican co-judge and a Democratic co-judge. The 13 Republican co-judge and the poll watcher were -- the 14 Republican co-judge was letting the poll watcher have 15 access to things that she should not have, and the 16 Democratic co-judge had a problem with that. And so 17 there was a conflict there.</p> <p>18 Q. Okay. And when you say the Democratic co-judge 19 had a problem with it, how did the situation resolve 20 itself?</p> <p>21 A. They called our office. We sent a -- a 22 technician to try to calm -- to negotiate -- mediate, if 23 you will. The conflict just kept going until, I think, 24 later on. One of the two parties called the Sheriff's 25 Office, and the Sheriff's Deputies, actually, went to</p>	<p style="text-align: right;">Page 273</p> <p>1 Q. Did the poll watcher succeed in opening up the 2 ballot box?</p> <p>3 A. I don't believe so.</p> <p>4 Q. Okay. Are you aware of any other problems 5 caused by poll watchers during the March 2022 primary?</p> <p>6 A. No.</p> <p>7 Q. Do you recall testifying earlier that one of 8 your biggest concerns with SB 1 was the deterrent effect 9 that poll watchers would potentially have on poll worker 10 recruitment?</p> <p>11 A. Yes.</p> <p>12 Q. Are you taking any steps to sort of address 13 that going forward?</p> <p>14 A. In the March election, we -- we actually hired 15 a firm to produce a video that we put -- that we show 16 during our training, to talk about the importance of 17 teamwork, the importance of getting along with 18 co-workers, the importance of getting along with poll 19 watchers and -- and with voters, as well as, you know, 20 having discussions during training about that importance 21 of not -- of de-escalating conflict.</p> <p>22 We're going to continue to do that going into 23 the -- to the November election where -- where it's 24 contested, races where there's most likely going to be 25 more poll watchers and the potential for more conflict.</p>

<p style="text-align: right;">Page 274</p> <p>1 Q. This video that you just mentioned that you 2 produced, is this something for -- is this part of your 3 training materials?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. When Senate Bill 1 was being debated in 6 the Legislature, did you take a position supporting or 7 opposing these provisions relating to poll watchers?</p> <p>8 A. As an Elections Administrator, I don't really 9 take positions on legislation. I do add my expertise as 10 an administrator to -- to advise legislators on what I 11 think the effects of that legislation might -- it might 12 have.</p> <p>13 Q. And did you advise legislators about the 14 provisions relating to poll watchers?</p> <p>15 A. Yes.</p> <p>16 Q. And what did you advise them, or how did you 17 advise them?</p> <p>18 A. I thought it would have a chilling effect on 19 the recruitment and retention of poll workers. I said 20 that I thought that it could create conflict at -- at 21 polling places between poll watchers and poll workers 22 and, potentially, voters.</p> <p>23 Q. Okay. And you mentioned that you didn't start 24 working at the Dallas County Election Administrator's 25 office until November of 2020, right?</p>	<p style="text-align: right;">Page 276</p> <p>1 Dallas County?</p> <p>2 A. There are certain specified requirements.</p> <p>3 Generally speaking, the disabled people not able to 4 readily get into a polling place.</p> <p>5 Q. Can you walk me through the steps of how a 6 voter casts a ballot when they vote using curbside 7 voting?</p> <p>8 A. We have a sign out on the -- on the outside of 9 the polling place that has a phone number. When someone 10 pulls up, if there's not voter- -- if there's not 11 workers already outside, they call that number, which 12 rings into the judge's cell phone. And they say, "Hey, 13 I'm here to vote curbside."</p> <p>14 And so the judge sends a worker out with an 15 electronic poll book. The voter -- they -- they find 16 the voter, and the voter signs the Epollbook. They go 17 back inside; and they get the voting machine, bring that 18 out to the voter. They -- they cast their ballot on 19 that voting machine.</p> <p>20 Q. Do you think there's an increased risk of fraud 21 with respect to the curbside voting?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. It's the same procedure that takes place inside 25 the building as outside the building.</p>
<p style="text-align: right;">Page 275</p> <p>1 A. Yes. December 7th of 2020.</p> <p>2 Q. December 7th. And so what was your basis for 3 believing that these poll watching provisions would have 4 a chilling effect on recruitment?</p> <p>5 A. Just my experience in the industry.</p> <p>6 Q. Okay. Have you had experiences prior to your 7 service here in Dallas with the poll watchers that sort 8 of informed that opinion?</p> <p>9 A. Yes.</p> <p>10 Q. And what were those experiences?</p> <p>11 A. 22 years of dealing with poll workers and poll 12 watchers and knowing the nature of elections, especially 13 as they've gotten more partisan and a little less polite 14 as the years have gone on.</p> <p>15 Q. Okay. I'm going to shift gears and ask 16 about -- a few questions about curbside voting and 17 drive-thru voting.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Does Dallas County offer curbside voting?</p> <p>20 A. Yes.</p> <p>21 Q. And how long has Dallas County offered curbside 22 voting?</p> <p>23 A. I don't know that answer. For as long as Texas 24 state law has allowed it, I'm sure.</p> <p>25 Q. Sure. Who's eligible to vote curbside in</p>	<p style="text-align: right;">Page 277</p> <p>1 Q. And are you familiar with the provisions in 2 SB 1 relating to drive-thru voting?</p> <p>3 A. Yes.</p> <p>4 Q. What is the difference between curbside voting 5 and drive-thru voting?</p> <p>6 A. Curbside voting, there is certain requirements 7 that allows someone to be a curbside voter as opposed to 8 drive-thru voting where there would not be those 9 requirements.</p> <p>10 Q. Requirements on who is eligible?</p> <p>11 A. Yes.</p> <p>12 Q. Has Dallas County ever offered drive-thru 13 voting?</p> <p>14 A. Not that I'm aware of.</p> <p>15 Q. Have you ever considered implementing it?</p> <p>16 A. I would say if SB 1 hadn't been implemented, we 17 would have aggressively had drive-thru voting.</p> <p>18 Q. And why -- why is that?</p> <p>19 A. I've got a long history of making voter -- 20 voting more accessible to voters, including the 21 introduction of drop boxes, vote center voting, allowing 22 mail ballots to be dropped off at polling places, et 23 cetera, et cetera. And so when I saw what Harris County 24 was doing in 2020, I really applauded that. I thought 25 it was great. And I -- when I got to Texas, I thought</p>

<p style="text-align: right;">Page 278</p> <p>1 we're going to do that in Dallas.</p> <p>2 Q. And so is it your opinion that drive-thru 3 voting would make voting more accessible?</p> <p>4 MS. HUNKER: Objection, form.</p> <p>5 A. Absolutely.</p> <p>6 Q. (By Mr. White) I meant to ask this earlier. 7 So I had asked you earlier about whether you thought 8 there was an increased risk of fraud with respect to 9 curbside voting.</p> <p>10 Are you aware of any instances of voter fraud 11 in Dallas County that have happened with respect to 12 curbside voting?</p> <p>13 A. No.</p> <p>14 Q. I also want to turn your attention back to this 15 article that I gave you.</p> <p>16 A. Uh-huh.</p> <p>17 Q. If you could flip to Page 4.</p> <p>18 A. (Witness complies.)</p> <p>19 Q. The middle of the page, there's a paragraph 20 that says -- and I'll just read it aloud -- "Noble" -- 21 who appears to be a Democratic party official -- "noted 22 over 6 percent of mail-in ballots in the county were 23 rejected because of the new identification requirements. 24 Those voters, she said, had to show up in person if they 25 wanted to vote, leading to longer queues to vote</p>	<p style="text-align: right;">Page 280</p> <p>1 voting in the 2020 election.</p> <p>2 During the 2020 election, did voters ever call 3 your office to ask about drive-thru voting?</p> <p>4 A. I wasn't there.</p> <p>5 Q. Oh, that's right.</p> <p>6 A. But I believe that -- my staff has told me that 7 there was lots of questions: Why was Dallas not doing 8 it when Harris was?</p> <p>9 Q. And so is it fair to say that, just of those 10 complaints, were that Dallas County voters wanted to 11 have drive-thru voting in Dallas County?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 A. That is my understanding.</p> <p>14 Q. (By Mr. White) Did the availability -- I'm 15 sorry. Strike that.</p> <p>16 Apart from those calls that you received that 17 we just -- that I just asked you about, did the 18 availability of drive-thru voting in Harris County cause 19 other administrative difficulties for your office?</p> <p>20 MS. HUNKER: Objection, form.</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. (By Mr. White) And earlier we were talking 23 about the poll watcher provisions. I had asked you 24 whether you had any conversations with legislators, you 25 know, supporting or opposing or advising with respect to</p>
<p style="text-align: right;">Page 279</p> <p>1 curbside."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Are you aware of any voters who showed up to 5 vote curbside because of SB 1's identification 6 requirements for mail-in ballots?</p> <p>7 A. I --</p> <p>8 MS. HUNKER: Objection, form.</p> <p>9 A. I speculate, just like Kristy Noble, that 10 that -- that was the case.</p> <p>11 Q. (By Mr. White) And what is the reason for you 12 speculating in that way?</p> <p>13 A. Because a disabled voter or someone who is not 14 likely to -- less likely to be able to go in to a 15 polling place, is going to look for an alternative to 16 vote. And one of those would be mail ballot, but 17 because of the provisions of SB 1 making mail ballots 18 that much more difficult in the high rejection rate, I 19 think that more people said, "Well, what are my -- 20 what's my next alternative?"</p> <p>21 And that would be drive-thru voting or curbside 22 voting. I have no evidence of that, but I'm 23 speculating.</p> <p>24 Q. Yeah. Now, a moment ago you mentioned that you 25 were aware that Harris County implemented drive-thru</p>	<p style="text-align: right;">Page 281</p> <p>1 those provisions.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Did you have any communications with 4 legislators about the prohibition of drive-thru voting 5 while SB 1 was being enacted?</p> <p>6 A. I don't recall, but I -- if -- the timing of it 7 was during the legislative session, but I always -- I 8 always spoke fondly of -- of the concept.</p> <p>9 MR. WHITE: Can we go off the record just 10 for a minute? Thanks.</p> <p>11 THE VIDEOGRAPHER: Going off the record.</p> <p>12 The time is 6:48 p.m.</p> <p>13 (Discussion off the record.)</p> <p>14 THE VIDEOGRAPHER: Back on the record.</p> <p>15 The time is 6:49 p.m.</p> <p>16 MR. WHITE: Mr. Scarpello, thank you. I 17 don't have any further questions for you. So I will 18 pass the witness first, I think, to any other attorneys 19 for the Plaintiffs who are appearing over Zoom, who'd 20 like to ask questions.</p> <p>21 MS. BENDER: No questions from the United 22 States. Thank you.</p> <p>23 THE REPORTER: I'm sorry. What was the 24 name again?</p> <p>25 MS. PERALES: Brady.</p>

<p style="text-align: right;">Page 282</p> <p>1 MS. BENDER: This is --</p> <p>2 THE REPORTER: Okay. Thank you.</p> <p>3 MS. BENDER: This is Brady. No questions</p> <p>4 at this time. Thank you.</p> <p>5 EXAMINATION</p> <p>6 BY MS. CAI:</p> <p>7 Q. Hello, Ms. Scarpello. This is Sophia Cai on</p> <p>8 behalf of the OC Plaintiffs</p> <p>9 A. I'm sorry. I can't hear.</p> <p>10 Q. I was just going to ask you if you could hear</p> <p>11 me okay.</p> <p>12 How is this?</p> <p>13 A. That's better.</p> <p>14 Q. Great. I'll just reintroduce myself. My name</p> <p>15 is Sophia Cai on behalf of the OCA Plaintiffs.</p> <p>16 First I just wanted to ask you a few questions</p> <p>17 about matching voters who apply for a ballot by mail.</p> <p>18 A. Okay.</p> <p>19 Q. If an individual applies to vote by mail, but</p> <p>20 is not a registered voter, will their application for</p> <p>21 ballot by mail be approved?</p> <p>22 A. If they apply to vote by mail, but they are not</p> <p>23 a registered voter, no.</p> <p>24 Q. And that was also true prior to SB 1; is that</p> <p>25 correct?</p>	<p style="text-align: right;">Page 284</p> <p>1 voter registration system.</p> <p>2 Q. And was that system meant to ensure that the</p> <p>3 individuals were already registered?</p> <p>4 A. Yes.</p> <p>5 Q. Prior to SB 1 being granted an application for</p> <p>6 ballot by mail, what would happen next?</p> <p>7 A. The vote by mail ballot would be sent.</p> <p>8 Q. Would the voter be assigned a unique</p> <p>9 identification number?</p> <p>10 A. Yes.</p> <p>11 Q. And would that identification number be</p> <p>12 associated with the ballot sent to the voter?</p> <p>13 A. Yes. Not --</p> <p>14 Q. So --</p> <p>15 A. -- to the -- not to the ballot, but to the</p> <p>16 ballot carrier envelope.</p> <p>17 Q. Okay. I see. Thank you for that</p> <p>18 clarification.</p> <p>19 So someone who successfully voted by mail would</p> <p>20 then have to return that specific ballot envelope issue</p> <p>21 to them, not any ballot envelope?</p> <p>22 A. That's correct.</p> <p>23 Q. Prior to SB 1, what information was the voter</p> <p>24 required to include on the carrier envelope or ballot</p> <p>25 envelope?</p>
<p style="text-align: right;">Page 283</p> <p>1 A. That's correct.</p> <p>2 Q. Put another way, everyone who successfully</p> <p>3 applies for a ballot by mail has already registered to</p> <p>4 vote in the county; is that right?</p> <p>5 MS. HUNKER: Objection, form.</p> <p>6 (The lights go out in the room.)</p> <p>7 THE REPORTER: Can we go --</p> <p>8 A. I think we might pause.</p> <p>9 THE REPORTER: -- off the record, please?</p> <p>10 Can we go off the record for a second, please?</p> <p>11 THE VIDEOGRAPHER: Going off the record at</p> <p>12 6:51 p.m.</p> <p>13 (Discussion off the record.)</p> <p>14 THE VIDEOGRAPHER: Okay. We're back on</p> <p>15 the record. The time is 6:52 p.m.</p> <p>16 Q. I'll just reask my most recent question. How's</p> <p>17 that?</p> <p>18 Everyone who successfully applies for a ballot</p> <p>19 by mail has already registered to vote in the county?</p> <p>20 MS. HUNKER: Objection, form.</p> <p>21 A. That -- that's correct.</p> <p>22 Q. Prior to SB 1, how did your office check to see</p> <p>23 if an individual applying to vote by mail was a</p> <p>24 registered voter?</p> <p>25 A. They checked the voter registration, the VEMACS</p>	<p style="text-align: right;">Page 285</p> <p>1 A. I believe their name, address. I can't recall</p> <p>2 all the specifics, but most likely, the name, address.</p> <p>3 Q. Okay. And was the voter required to sign the</p> <p>4 carrier envelope?</p> <p>5 A. Yes.</p> <p>6 Q. Was there a process in place to make sure that</p> <p>7 the signature matched the voter signature on file?</p> <p>8 A. Yes. There's the Signature Verification</p> <p>9 Committee that compares the signature of the -- on the</p> <p>10 carrier envelope to the signature on the application, as</p> <p>11 well as they -- they have the ability to check other</p> <p>12 signatures within the voter registration system.</p> <p>13 Q. And just to clarify, that answer also applies</p> <p>14 prior to SB 1 --</p> <p>15 A. Yes.</p> <p>16 Q. -- is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Thank you. Okay. Next I want to ask you some</p> <p>19 questions about voters with disabilities.</p> <p>20 Are you familiar with your office's obligations</p> <p>21 under the Americans with Disabilities Act or ADA?</p> <p>22 A. I'm -- I'm vaguely familiar, yes.</p> <p>23 Q. And what do you understand those obligations to</p> <p>24 be?</p> <p>25 A. Most importantly, it's to provide voting</p>

<p style="text-align: right;">Page 286</p> <p>1 locations that have been -- that are ADA compliant, 2 basically.</p> <p>3 Q. Does your office have written ADA policies or 4 procedures?</p> <p>5 A. No, we don't.</p> <p>6 Q. So these are -- how are they communicated to 7 your employees or poll watchers?</p> <p>8 A. The -- the polling places, the county has 9 traditional polling places (indicating) that they've 10 been using for years, and those polling places, we -- in 11 earlier testimony, someone testified -- Revi testified 12 that those polling places were, when we moved to 13 countywide vote centers, they used those same polling 14 places.</p> <p>15 In August of 2021, I proposed that we take a 16 look at those polling places in an effort to reinspect 17 them and to get the votes in our advisory committee to 18 look at the official locations of the county so that we 19 could modernize or be more compliant with ADA, as well 20 as other practical locations, you know, aspects of 21 those -- how many we have, where they're located and do 22 a deep dive in -- in the placement and quality of our 23 polling places. But because of redistricting that was 24 taking place at the time, that effort was delayed; and 25 we will take that up again in June of this year.</p>	<p style="text-align: right;">Page 288</p> <p>1 individuals with disabilities can, within reason, ask 2 for modifications or accommodations so that they can 3 vote?</p> <p>4 A. Yes.</p> <p>5 Q. And does your office have policies for sort of 6 changing the typical voting procedures, if needed, for 7 voters with disabilities to vote?</p> <p>8 A. Yes. But I mean, number one, there's curbside 9 voting for people with disabilities; but there's also 10 certain procedures prescribed by the State that allow 11 preferential treatment to those who come into a polling 12 place (indicating), you know. They get to cut the line, 13 if you will. And so that's -- that's also allowed.</p> <p>14 Q. And so aside from this sort of cutting-the-line 15 feature, who has the authority to decide whether or not 16 to grant a voter's request for a reasonable modification 17 based on their disability?</p> <p>18 A. I believe Texas law gives that authority to the 19 presiding judge at a location.</p> <p>20 Q. And so would a person with a disability just 21 sort of ask at the location and then it would go to the 22 judge; how would that procedure work?</p> <p>23 A. Yes, they would ask at the location.</p> <p>24 Q. And that's the final say whether or not they 25 can have that modification?</p>
<p style="text-align: right;">Page 287</p> <p>1 Q. And when you say "accessible polling places," 2 what do you mean by that?</p> <p>3 A. There's -- when there's -- when a polling place 4 is contemplated for use, there are checklists that we go 5 through where you -- you know, best practices call for a 6 checklist to inspect a location. You -- you're -- 7 there's a whole laundry list of things that make a 8 location ADA compliant: ramps, pressure on the doors 9 (indicating), the types of knobs, access to drinking 10 fountains. I mean, it's a very comprehensive list that, 11 basically, gives a grade to a location for ADA 12 compliance.</p> <p>13 Q. It sounds like you're very familiar with this 14 list, but if it's not written down anywhere, how do the 15 various locations go through this checklist?</p> <p>16 A. There -- there were the -- there were 17 inspections in 2019, and so we do have records of those 18 locations. I just think that -- that we need to pay a 19 little bit better attention to the results of those 20 inspections and upgrade or eliminate those that are not 21 in compliance because I think we have some that are not 22 as compliant as they need to be.</p> <p>23 Q. That makes a lot of sense. Thank you for that 24 on an accessibility point.</p> <p>25 Broadly speaking, is your understanding that</p>	<p style="text-align: right;">Page 289</p> <p>1 A. Yes. That's --</p> <p>2 MS. HUNKER: Objection, form.</p> <p>3 A. That's the -- in Texas, the presiding judge has 4 the last say as opposed to the Elections Administrator, 5 like in other states that I've been in.</p> <p>6 Q. (By Ms. Cai) So how are either the election 7 judge you speak of or any of the employees or poll 8 workers who might be asked on a modification, what are 9 they trained to do when deciding whether that 10 modification is reasonable?</p> <p>11 A. We provide them with the language, as it's laid 12 out in the Texas Election Code; and there's certain 13 signage that's required. And then we provide them with 14 that mater- -- the training materials and signage that 15 tell them if and when someone should have that 16 preferential treatment.</p> <p>17 Q. What are some of the asked-for modification 18 that's not on this list?</p> <p>19 MS. HUNKER: Objection, form.</p> <p>20 A. I'm not sure I understand the question.</p> <p>21 Q. (By Ms. Cai) Let me rephrase. What kinds of 22 modifications or changes to the typical voting 23 procedures would be allowed to be provided?</p> <p>24 A. The curbside voting, as well as the 25 preferential treatment when it comes to lines inside the</p>

Page 290 1 polling place. 2 Q. Okay. And those are the only two you can think 3 of -- 4 A. That's the only -- 5 Q. -- off the top of your head? 6 A. Off the top of my head, yes. 7 Q. So to give a sort of comparable 8 example of something different, earlier today you 9 discussed the oath requirement of SB 1. 10 A. (Witness moves head up and down.) 11 Q. So what would you do if a voter with a 12 disability asked for their assistor to answer questions 13 or provide assistance beyond what the vote allows? 14 MS. HUNKER: Objection, form. 15 A. I think that -- that's a situational question. 16 I mean, if on Election Day we got a call from a -- an 17 election judge asking for, you know, telling us that 18 someone was asking for an accommodation, we would look 19 and see what that -- what they are asking for and we 20 would provide our recommendation and we'd do our 21 research, talk to our attorneys, talk to the Secretary 22 of State, et cetera, and find out what our -- what our 23 options are, if any, to offer to that voter. 24 Q. (By Ms. Cai) So would you do that procedure 25 for any question that an election judge called you with?	Page 292 1 modification so that their ballot could be cured in a 2 different way than is specifically, provided for by 3 SB 1? 4 MS. HUNKER: Objection, form. 5 A. I think that it's hard for me to speculate on, 6 you know, a vague hypothetical. You know, I -- these -- 7 these -- like I said before, this would be handled on a 8 case-by-case basis with, you know, true, you know, 9 facts. And it would be a fact-based decision. 10 Q. That makes a lot of sense. Thank you. 11 A. Uh-huh. 12 Q. Has -- so moving away from hypotheticals, 13 then -- 14 A. Okay. 15 Q. -- has your office received requests for 16 regional (phonetics) modifications for changes in voting 17 procedures from voters with disabilities post enactment 18 of SB 1? 19 A. No, I don't believe so. 20 Q. Okay. I have one last set of questions about 21 the voter identification requirements. 22 After SB 1, does your office advise mail ballot 23 voters to provide both their Social Security number and 24 driver's license numbers? 25 A. Yes. After -- in February of 2022, as we were
Page 291 1 A. Yes. 2 Q. So, for instance, if a voter with a disability 3 can't see where to put their ID on a mail ballot and you 4 got a call about that, you would then do the same 5 procedure? 6 A. If -- if the -- I mean, it's kind of a 7 hypothetical, you know, a very generic -- 8 Q. Of course. 9 A. -- hypothetical. I mean, if -- if the -- if 10 the law is not clear, if the election's advisories that 11 have been promulgated by the Secretary of State are not 12 clear, then we would do that escalation procedure to 13 see, you know, what our options are. 14 Q. Okay. So the general sense is if there's not a 15 clear-cut answer, you would talk to your attorneys or 16 the Secretary of State to see whether that modification 17 could be provided for a voter with a disability in real 18 time? 19 A. Yes. 20 Q. And same question for the care procedure. 21 Let's say somebody with a disability has their ballot or 22 ballot -- final application rejected, but they can't 23 drive and, therefore, cannot go in person to carry their 24 ballot. 25 Would you consider granting a request for a	Page 293 1 having a high rejection rate, we went to extraordinary 2 measures to try to educate the public, and we got -- I 3 think we got an allotment of \$87,000 from the 4 Commissioners Court where we reached out directly to 5 voters who had rejected mail ballot applications. 6 We did some radio ads. We did some Facebook 7 educational efforts to try to, number one, help people 8 who had already had rejected mail ballots or rejected 9 applications, as well as preventing those problems from 10 happening. So, yes, you know, we do what we can to try 11 to prevent and solve the problem once it occurs. 12 Q. So, to be clear, the recommendation to put both 13 the Social Security number and driver's license number 14 began around February; is that correct? 15 A. Yes. 16 Q. And you may have already answered this, but why 17 did you start advising to put both numbers? 18 A. We kind of used the tag line, "When in doubt, 19 fill them both out," and -- because it's just, you know, 20 to be as safe as possible to try to get both of those 21 numbers down with the idea that someone is -- is likely 22 to have one of those two numbers on their voter 23 registration record. 24 Q. So, in the circumstances where an individual 25 puts down only their driver's license number on their

Page 294	Page 296
1 mail ballot, but you only have their Social Security 2 numbers on file, what would happen?	1 A. Okay. 2 Q. So I believe you testified that you started 3 this position December 7th, 2020; is that correct?
3 A. That would be rejected, and they would -- they 4 would get a reject letter asking for more information; 5 or the form provided by the Secretary of State, we would 6 send them that form.	4 A. That's correct. 5 Q. How many elections have transpired since that 6 date, if you know?
7 Q. So they would get a reject letter, but the law 8 does not require that an individual write down both 9 numbers; is that correct?	7 A. I can count. I believe six. 8 Q. And so that would include the November 9 constitutional --
10 A. No.	10 A. Yes.
11 Q. So is it fair to say that, under the new 12 system, many people who put down a correct identifying 13 number for themselves are still at risk of having their 14 application for ballot by mail or mail ballot rejected?	11 Q. -- is that correct?
15 MS. HUNKER: Objection, form.	12 And that would include the primary, correct?
16 A. That would be the case. If they have -- if we 17 have a voter registr- -- or a driver's license on file, 18 but they send in a correct Social Security number, if 19 the two don't match, then we can't accept.	13 A. Yes.
20 MS. CAI: Thank you. That's all my 21 questions.	14 Q. Did you include in that number the May 7th 15 election that's --
22 THE REPORTER: Just a second, please.	16 A. Yes.
23 Okay. Thank you.	17 Q. -- ongoing?
24 MS. HUNKER: How much time for the 25 Plaintiffs.	18 A. No, no. The upcoming May 7th?
	19 Q. The upcoming.
	20 A. No.
	21 Q. Okay. And what about the May 24th? I 22 assume --
	23 A. No.
	24 Q. -- no.
	25 Did the other elections consist of special
Page 295	Page 297
1 THE REPORTER: I couldn't tell you right 2 this second.	1 elections?
3 MR. WHITE: Should we go off record for a 4 second?	2 A. Yeah. I think there was a couple of special 3 elections in February and March, then a May-Joint-June, 4 runoff, November constitutional and --
5 THE VIDEOGRAPHER: Off the record. Time 6 is 7:08 p.m.	5 Q. Okay.
7 (Discussion off the record.)	6 A. -- March election primary.
8 THE VIDEOGRAPHER: Okay. We're back on 9 the record. The time is 7:09 p.m.	7 Q. And so would the March 2022 election be the 8 first federal election in which you are administrator 9 of?
10 EXAMINATION	10 A. Yes.
11 BY MS. HUNKER:	11 Q. Did you assess voting assistance laws prior to 12 the enactment of SB 1?
12 Q. Good evening, Mr. Scarpello. How are you 13 today?	13 A. Assistance in what form? At curbside, inside 14 the polling place? Could you be more specific?
14 A. Very good.	15 Q. So I was referring to generally. If you 16 remember very early in your testimony, you were talking 17 with Ms. -- Ms. Perales about voter assistance.
15 Q. My name is Kathleen Hunker. I represent the 16 State Defendants. I am going to be asking you a series 17 of questions mostly in response to what Plaintiffs' 18 Counsel had asked you, so I'm going to be jumping around 19 a little bit with respect to topics.	18 A. Uh-huh.
20 If at any point, my switch of topics confuses 21 you or you don't understand the switch, would you please 22 let me know?	19 Q. In that sense, she wasn't specifically limiting 20 it to in-person voting or curbside voting. And so I'm 21 just trying to get a sense of what your familiarity was 22 with voting assistance law in Texas, generally, prior to 23 the enactment of SB 1.
23 A. Sure.	24 A. I think I mentioned earlier that elections in 25 Dallas needed a lot of work and -- and so when -- when
24 Q. If you do, I'll be happy to provide additional 25 foundation or to restate the question as needed. Okay?	

<p style="text-align: right;">Page 298</p> <p>1 evaluating where we needed to spend our time, I don't 2 think that the assistance piece was a high priority. 3 Q. So is it fair to say -- and please correct me 4 if I'm wrong -- the first time that you really inquired 5 into voting assistance law in Texas was post the 6 enactment of SB 1?</p> <p>7 A. I think that's probably fair to say.</p> <p>8 Q. And so I want you to turn to the copy of SB 1 9 that Ms. Perales had given you.</p> <p>10 A. (Witness complies.) Okay.</p> <p>11 Q. I, unfortunately, don't remember the exact 12 exhibit number, but I think it might have been 4.</p> <p>13 A. 7.</p> <p>14 Q. Oh. 7?</p> <p>15 A. No. I'm sorry. It's -- no, that's not it. 4.</p> <p>16 Q. 4. And if you can please turn to Page 52 and 17 53, and it's specifically Section 6.04.</p> <p>18 A. Do you have a line number?</p> <p>19 Q. Yes. The section starts on Line 20.</p> <p>20 A. Got it.</p> <p>21 Q. Okay. And so this section relates to the oath, 22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Now, let's look to Page 53, Line 2, 25 where it says: "I will confine my assistance to reading</p>	<p style="text-align: right;">Page 300</p> <p>1 A. I don't know. 2 Q. But Dallas County does, correct? 3 A. That's our general approach. 4 Q. And when you're interpreting this particular 5 provision, how did you come to your interpretation? 6 A. My general approach, my philosophy, if you 7 will, is to try to make voting as easy as possible, as 8 long as we're following the law.</p> <p>9 Q. So, in the case of, let's say, applying Section 10 6.04, would you contact Dallas County attorneys? 11 A. If -- if posed with a question, we would 12 consult with our attorneys. We would -- well, first off 13 we would check the law.</p> <p>14 Q. Uh-huh.</p> <p>15 A. We would check the elections advisories. We 16 would consult with our attorneys, and we would consult 17 with the Secretary of State.</p> <p>18 Q. With respect to Section 6.04 and, specifically, 19 these provisions regarding the oath, have you had a need 20 to go to the county attorneys?</p> <p>21 A. No.</p> <p>22 Q. Have you had a need to go to the Secretary of 23 State's office?</p> <p>24 A. Not that I can recall.</p> <p>25 Q. Okay. And would you agree with me that not</p>
<p style="text-align: right;">Page 299</p> <p>1 the ballot to the voter, directing the voter to read the 2 ballot, marking the voter's ballot, or directing the 3 voter to mark the ballot."</p> <p>4 Do you see that section?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I believe you had testified to 7 Mrs. -- Ms. Perales that you interpreted this language 8 as limiting the assistor to the four actions stipulated; 9 is that correct?</p> <p>10 A. I believe I actually said that -- as she asked 11 further, I said that -- that you could read those four 12 confinements in a liberal way or a very conservative way 13 and that, depending on how -- the situation, you could 14 interpret it to be very broad or very narrow.</p> <p>15 Q. Okay. Does Dallas County take the liberal 16 approach to this language?</p> <p>17 A. I would say that Dallas County has a policy 18 that we're always going to be as voter-friendly as 19 possible.</p> <p>20 Q. And do you know if the Secretary of State's 21 office, for example, also has a policy of being as 22 friendly to the voter as possible?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you know if other counties have that policy 25 of being as friendly to the voter as possible?</p>	<p style="text-align: right;">Page 301</p> <p>1 every assistance provided to a voter actually falls 2 under the term "assistor" in the -- the context of Texas 3 election laws?</p> <p>4 A. I don't understand the question.</p> <p>5 Q. Let me give you an example. So if I were to 6 come to the polling location with my grandmother --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- who's confined to a wheelchair --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- and I helped wheel her in into the 11 location --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- and then brought her to the polling site, to 14 the place where the polling machine is, but then I left 15 and she handled voting herself --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- would that constitute -- or would I be 18 constituted as an assistor?</p> <p>19 MR. WHITE: Objection, form.</p> <p>20 A. Well, I think that that -- keep in mind that 21 that is up to the presiding judge, to make that 22 interpretation. They're the boss --</p> <p>23 Q. (By Ms. Hunker) Okay.</p> <p>24 A. -- in the state of Texas. I'm not. If asked 25 by a presiding judge my opinion, my opinion would be</p>

<p style="text-align: right;">Page 302</p> <p>1 that that would not fall into the category of an 2 assistors.</p> <p>3 Q. Thank you. And so when I was asking you the 4 question before, I was trying to get at that, but there 5 are actions that people might take to aid voters that 6 you would not necessarily characterize as voting 7 assistance under Texas Election Code?</p> <p>8 A. Yes.</p> <p>9 Q. You also spoke with Ms. Perales regarding how 10 bills work.</p> <p>11 You had talked about that language that is 12 underlined is new text, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And that language that is stricken -- I'm 15 sorry -- that has a line through it, has been stricken 16 from the statute; is that correct?</p> <p>17 A. Yes. That's correct.</p> <p>18 Q. All right. Bills only show the sections that 19 were changed; is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. And so they don't show other provisions in the 22 Election Code; is that correct?</p> <p>23 A. Most of the time, yes.</p> <p>24 Q. And so you would have to consult with the 25 Election Code to see how they interact with the other</p>	<p style="text-align: right;">Page 304</p> <p>1 Q. And would you agree with me that sometimes 2 statutes are clarifying a preexisting rule as opposed to 3 introducing a new rule?</p> <p>4 A. Sometimes they are codifying rules, yes.</p> <p>5 Q. And you had spoken that the eligibility 6 criteria is not included within this oath.</p> <p>7 Do you remember that testimony with 8 Ms. Perales?</p> <p>9 A. Refresh my memory.</p> <p>10 Q. Let's turn the page to 53.</p> <p>11 A. (Witness complies.)</p> <p>12 Q. And so you see on Line 12 where it says: "and 13 I understand that if assistance is provided to a voter 14 who is not eligible for assistance, the voter's ballot 15 may not be counted"?</p> <p>16 A. Yes.</p> <p>17 Q. During your conversation with Ms. Perales, she 18 had asked you whether or not the eligibility criteria 19 was included within this particular section, and you had 20 replied that it was not?</p> <p>21 A. That's correct.</p> <p>22 Q. Would you agree that the previous oath also did 23 not include eligibility criteria?</p> <p>24 A. Yes.</p> <p>25 Q. And would you agree with me that eligibility</p>
<p style="text-align: right;">Page 303</p> <p>1 provisions; is that right?</p> <p>2 A. Yes. When we -- when we interpret a new bill, 3 we don't just look at the bill; we look at the Election 4 Code, itself. In fact, what we have done is 5 incorporated strike and add language into a different 6 version where we see the full context, the full Election 7 Code, itself.</p> <p>8 Q. Okay. And to continue with this line of 9 questioning, the bills also don't show any Court Opinion 10 that interprets the language?</p> <p>11 A. That's correct.</p> <p>12 Q. And so it's a very narrow snapshot of what 13 Texas law is; is that correct?</p> <p>14 A. That's correct. Neither does -- it doesn't 15 show legislation. I mean, we all know there's -- 16 there's certain layers that you have to go through to -- 17 to interpret legislation or their laws.</p> <p>18 Q. No objection there.</p> <p>19 A. Right.</p> <p>20 Q. So if we go to Page 52, Line 26. And you see 21 where it says: under the penalty of perjury?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know whether assistors who took the, 24 oath prior to SB 1, were subject to perjury?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 305</p> <p>1 criteria could be listed in another provision of the 2 Texas Election Code?</p> <p>3 A. Absolutely.</p> <p>4 Q. Let's jump to Page 54, and let me know if you 5 need to refresh your recollection by rereading the 6 section. But I'm particularly looking at Section 6.06, 7 Line 20.</p> <p>8 A. Okay.</p> <p>9 Q. And if you notice on Line 24, it says: 10 "compensates or offers to compensate another person for 11 assisting voters as provided by Section 86.010."</p> <p>12 A. (Witness moves head up and down.)</p> <p>13 Q. Do you see that on the --</p> <p>14 A. Yes.</p> <p>15 Q. And so this has to do with compensation for 16 assisting voters; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you remember speaking with 19 Ms. Perales about nonprofits assisting voters?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And I believe you stated that you 22 thought the statute would apply to a nonprofit assisting 23 voters; is that correct?</p> <p>24 A. I believe so, if I'm -- if I'm remembering 25 correctly. I don't remember the context of her</p>

Page 306	Page 308
<p>1 question, but I remember the discussion about 2 nonprofits.</p> <p>3 Q. You do not enforce criminal laws as the Dallas 4 County Election Administrator; is that --</p> <p>5 A. That's --</p> <p>6 Q. -- correct?</p> <p>7 A. -- correct.</p> <p>8 Q. And so your office does not enforce this 9 particular provision; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. And I don't believe the election judges enforce 12 this provision either, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And so this would be left to the Dallas County 15 DA's Office; is that --</p> <p>16 A. That's correct.</p> <p>17 Q. -- right?</p> <p>18 A. Correct.</p> <p>19 Q. And you're not aware of how they would 20 interpret this provision, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And you wouldn't be aware if they have 23 contacted the Secretary of State's office to seek 24 clarification on how to interpret this provision; is 25 that correct?</p>	<p>1 A. Go ahead.</p> <p>2 Q. Okay. Do you know if voters need to use the 3 Dallas application -- sorry -- the application provided 4 by Dallas County to vote by mail?</p> <p>5 A. No.</p> <p>6 Q. And so a nonprofit can create their own 7 application form; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And a voter can also create their own 10 application form, if needed; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And so I believe you had spoken with Ms. --</p> <p>13 Ms. Perales regarding nonprofits that used to come to 14 Dallas County and would take copies of the Dallas County 15 application; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. These nonprofits have the option of 18 creating their own application; is that correct?</p> <p>19 A. That's correct -- correct.</p> <p>20 Q. You also discussed a little bit about your 21 confusion, for lack of a better term, about the 22 Legislature's decision to bar Election Administrators 23 from issuing the applications unsolicited as opposed to 24 private parties; is that right?</p> <p>25 A. I don't know if "confusion" is the right word.</p>
<p style="text-align: right;">Page 307</p> <p>1 A. That's correct.</p> <p>2 Q. And you wouldn't know if they contacted the 3 Office of Attorney General in order to seek 4 clarification on how to interpret this provision; is 5 that correct?</p> <p>6 A. I'm not aware of them contacting them.</p> <p>7 Q. And are you aware of the DA pursuing any 8 charges related to the specific provision against a 9 nonprofit?</p> <p>10 A. I'm not aware of any.</p> <p>11 Q. Thank you. Let's jump to Page 60.</p> <p>12 Specifically, I'm looking at the section that begins on 13 Line 15, which states: "Unlawful solicitation and 14 Distribution of Application to Vote by Mail."</p> <p>15 THE REPORTER: I'm sorry. Could you read 16 the very last few words again, please?</p> <p>17 MS. HUNKER: Of course.</p> <p>18 Q. Specifically, I am looking at Section -- on 19 Line 15 where it reads: "Unlawful Solicitation and 20 Distribution of Application to Vote by Mail."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. If you need any time to reread the section, 24 please let me know. Otherwise, I'm going to proceed 25 with asking some questions.</p>	<p style="text-align: right;">Page 309</p> <p>1 I think uncertainty about the language used and the 2 uncertainty of the meaning of their words.</p> <p>3 Q. Okay. Have you checked the legislative record 4 to learn the Legislature's reasoning for permitting 5 private parties to distribute applications to vote by 6 mail and not election officials?</p> <p>7 A. No.</p> <p>8 Q. And so, therefore, you're not aware of any 9 incidence that would have instigated the change in the 10 provision; is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. Under your conversation with Ms. Perales, she 13 had raised an incident regarding of Travis County Clerk, 14 Dana DeBeauvoir; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And she had mentioned that the Office of 17 Attorney General had pursued an indictment against her; 18 is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. You do not know the reason for Office of 21 Attorney General to pursue the indictment, correct?</p> <p>22 A. No.</p> <p>23 Q. And you do not know what provision of the 24 Election Code that she would have violated; is that 25 right?</p>

<p style="text-align: right;">Page 310</p> <p>1 A. That's correct.</p> <p>2 Q. And you don't know if it was even about</p> <p>3 applications to vote by mail?</p> <p>4 A. That's correct.</p> <p>5 Q. I am going to turn to what I believe is Exhibit</p> <p>6 7, and this were the emails that were distributed to</p> <p>7 myself and private Plaintiffs earlier this morning. I</p> <p>8 have mine on the laptop, but I believe you have a hard</p> <p>9 copy in front of you.</p> <p>10 A. Okay. Got it. Exhibit 7?</p> <p>11 Q. Yes. This is the emails?</p> <p>12 A. Yes.</p> <p>13 Q. And so this says an email dated Wednesday,</p> <p>14 January 12th, 2022; is that correct?</p> <p>15 A. Yes.</p> <p>16 MS. HUNKER: The correct Bates number for</p> <p>17 this?</p> <p>18 MR. STOOL: Number 7.</p> <p>19 MS. HUNKER: Yes.</p> <p>20 MR. STOOL: Uh-huh.</p> <p>21 Q. (By Ms. Hunker) And so based on -- my -- the</p> <p>22 form I have in front of me does not have a Bates number.</p> <p>23 However, that was provided later. And I believe the</p> <p>24 Bates number is MS015753 for the first page and MS015754</p> <p>25 on the second page, and that's just to clarify, for the</p>	<p style="text-align: right;">Page 312</p> <p>1 Q. And if you were uncertain of interpretation of</p> <p>2 a provision, you would engage in this type of</p> <p>3 conversation with your staff to try to ascertain the</p> <p>4 meaning of a provision?</p> <p>5 A. Yes.</p> <p>6 Q. And so the discussion you had here was not very</p> <p>7 different from any other conversation you would have</p> <p>8 about a new provision of which you were uncertain?</p> <p>9 A. This is one of the many methods in which we</p> <p>10 would communicate: orally, through email, through</p> <p>11 TEAMS, through all sorts of communications, yes.</p> <p>12 Q. Okay. I am going to shift our conversation to</p> <p>13 talk about poll workers.</p> <p>14 A. Okay.</p> <p>15 Q. Were you aware of the rights of poll workers to</p> <p>16 observe election activities prior to SB 1?</p> <p>17 A. Poll workers or poll watchers?</p> <p>18 Q. Sorry. That is -- that is correct. I make</p> <p>19 this mistake very often when speaking, so my apologies.</p> <p>20 Were you aware of the rights of poll watchers</p> <p>21 to observe election activities prior to SB 1?</p> <p>22 A. Yes.</p> <p>23 Q. And were you aware of the rights of poll</p> <p>24 watchers to move around the polling place prior to SB 1?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 311</p> <p>1 record.</p> <p>2 A. (Witness moves head up and down.)</p> <p>3 Q. Now, this had to do with a conversation you had</p> <p>4 with your staff on whether or not you could provide</p> <p>5 return postage for both ballots and mail ballot</p> <p>6 applications; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you -- I think in the bottom, it says:</p> <p>9 (Reading) Malissa, did the Secretary of State weigh in</p> <p>10 on this at the conference? Or were the new restrictions</p> <p>11 only limited to solicitation aspects like providing</p> <p>12 applications to those who did not ask for an</p> <p>13 application?</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did your office make a determination</p> <p>17 that you were permitted to send return postage for</p> <p>18 applications?</p> <p>19 A. I believe so.</p> <p>20 Q. Do you try to comply with state law in your</p> <p>21 capacity as the Dallas County Election Administrator?</p> <p>22 A. Yes.</p> <p>23 Q. And do you try to comply with state law even</p> <p>24 when it doesn't have a criminal penalty connected to it?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 313</p> <p>1 Q. And were you aware of the limits that election</p> <p>2 judges had to obstruct the view of poll watchers prior</p> <p>3 to SB 1?</p> <p>4 A. I don't know that that terminology was -- is</p> <p>5 used any -- was used in the prior code, so I -- I don't</p> <p>6 know if I agree with that statement.</p> <p>7 Q. Okay. Do you know what authority election</p> <p>8 judges had -- let me put it this way, then.</p> <p>9 Do you know what the limits were for the right</p> <p>10 of a poll watcher to observe an election activity?</p> <p>11 A. I bele- -- I believe it was -- oh, gosh, I'd</p> <p>12 have to look at the Election Code before SB 1, but I</p> <p>13 believe it was something along the lines of, you know,</p> <p>14 to maintain the orderly conduct- -- conducting of</p> <p>15 business at a polling place.</p> <p>16 Q. And so had you done a comparison of the</p> <p>17 language between SB 1, these sections, versus prior to</p> <p>18 SB 1?</p> <p>19 A. I'm sure I did at some point, yes.</p> <p>20 Q. Are you aware -- strike that. Let me ask a</p> <p>21 different question.</p> <p>22 Is it your opinion that the rights of poll</p> <p>23 workers to observe election activities changed post</p> <p>24 SB 1?</p> <p>25 MR. WHITE: Objection, form.</p>

<p style="text-align: right;">Page 314</p> <p>1 A. There was -- let's put it this way. As we 2 talked about this process, there were various iterations 3 of SB 1, some of which had more -- the line in the sand 4 was moving. And we ended up with -- and so there was a 5 lot of concerns about some of that previous language. 6 And in the end, the language was better, but it was 7 still problematic.</p> <p>8 Q. (By Ms. Hunker) Okay. But you would view 9 SB 1 as -- let's -- looking in the context of the 10 legislation that was proposed --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- you would view the language in SB 1 as an 13 improvement from the predecessor bills?</p> <p>14 A. Yes.</p> <p>15 MR. WHITE: Objection, form.</p> <p>16 Q. (By Ms. Hunker) Do you know if poll workers -- 17 do you know if poll watchers reported irregularities 18 prior to SB 1?</p> <p>19 A. I have no specific knowledge of any complaints. 20 I know that -- well, I take that back. I know that 21 there was ongoing litigation in Dallas County from years 22 ago with complaints from poll watchers, mostly in 23 central account rather than as opposed to at polling 24 places.</p> <p>25 Q. And do you know if they would -- if poll</p>	<p style="text-align: right;">Page 316</p> <p>1 A. Yes. 2 Q. -- while voting is ongoing? 3 A. Yeah. 4 Q. And are you aware if any poll watcher utilized 5 the hotline this last election? 6 A. I don't think so. I'd have to check the 7 records, but not off the top of my head, I don't think 8 so. Parties did, the parties. You know, sometimes the 9 poll watchers talked to the parties, and the parties 10 talked to us. 11 Q. So the parties utilized the hotline, but you're 12 not aware of any specific poll watcher that would have? 13 A. Correct. 14 Q. And it's possible that the parties contacted 15 the hotline in response to an observation of a poll 16 watcher? 17 A. Correct. 18 MR. WHITE: Objection, form. 19 Q. (By Ms. Hunker) I believe you had spoken to 20 Mr. -- Graham about a poll watcher standing close to the 21 voter while casting their ballot. 22 Do you remember that part of the -- 23 A. Yes. 24 Q. -- conversation? 25 I believe you said that was prohibited; is that</p>
<p style="text-align: right;">Page 315</p> <p>1 watchers would have reported irregularities that they 2 saw to the election judge that was on hand? 3 A. I believe they would. 4 Q. And so SB 1 didn't change that, to your 5 knowledge? 6 A. No -- well, I know that our implementation of 7 SB 1, what we have done, is: We've reached out to the 8 political parties to activists, et cetera, to try to 9 give them more avenues to report problems. It can be to 10 the judge; it can be to what we call a VIP hotline, 11 which is given to the parties, poll watchers, et cetera, 12 for them to report those, as well as there's also 13 certain signage at a polling place that provides 14 different numbers to the Attorney General, Secretary of 15 States in Federal elections, another DOJ number, et 16 cetera. 17 Q. So I just wanted to talk about the hotline 18 because this is the first time you've raised it. 19 If a poll watcher saw an irregularity -- 20 A. Uh-huh. 21 Q. -- they would be able to call the hotline; is 22 that right? 23 A. Correct. 24 Q. And so there are other avenues besides 25 interrupting the election judge during the election --</p>	<p style="text-align: right;">Page 317</p> <p>1 right? 2 A. In my eyes, that would be prohibited. 3 Q. And I believe you said that was not included in 4 SB 1; is that correct? 5 A. I don't know that SB 1 provides guidance for 6 that situation. 7 Q. My next question kind of connects to what you 8 just said. 9 Are you aware if that prohibition or the 10 restrictions would be in other provisions of the 11 Election Code that were not changed by SB 1? 12 A. That -- it may be. I don't know. 13 Q. So you haven't looked to determine whether or 14 not there are other provisions in SB 1 -- sorry -- other 15 provisions in the election -- 16 A. I don't recall. 17 Q. You don't recall. And I want to turn to 18 Exhibit 9, which was the news article -- 19 A. Uh-huh. 20 Q. -- specifically turning to Page 5. So there's 21 a paragraph that reads: "Scarpello also said some 22 election judges were afraid of being prosecuted under a 23 provision of the law related to partisan poll watchers." 24 Did I read that correctly? 25 A. Yes.</p>

<p style="text-align: right;">Page 318</p> <p>1 Q. It then continues: (Reading) "SB 1 makes it a 2 misdemeanor offense for a worker to" -- in quotation 3 marks -- "knowingly prevents a watcher from observing an 4 activity or procedure the person knows the watcher is 5 entitled to observe," end quote.</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. My question is actually going to be 9 about -- actually, I'm going to ask a question about 10 that particularly.</p> <p>11 What was your basis for this observation?</p> <p>12 A. I don't think that -- that's not a quote from 13 me.</p> <p>14 Q. Oh, it's not?</p> <p>15 A. No.</p> <p>16 Q. So the only statement attributed to you, then, 17 is the first sentence; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And so we go to the next paragraph. It 20 reads: "Election judge Kris Farrell said some of her 21 colleagues had heard about an earlier bill consequences 22 for election workers."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. And so she was in this case, it sounds like,</p>	<p style="text-align: right;">Page 320</p> <p>1 Q. And if we continue to the -- not the next 2 paragraph, but the one after where it begins with 3 "Farrell."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. The last sentence reads: "But long hours and 7 bad weather at the end of February also contributed to a 8 shortage of workers."</p> <p>9 Is that your experience, as well, with respect 10 to the shortage? You had -- let me take that back.</p> <p>11 You had mentioned, during your testimony, there 12 were other factors that led to the shortage of poll 13 workers; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Were long hours and bad weather part of 16 those factors?</p> <p>17 A. Well, I can't -- I can't get in the head of 18 this writer, the person who wrote this article. So I'm 19 not sure where that -- that particular information came 20 from. I can tell you that "long hours," he may be 21 referring to the fact that poll workers work long hours 22 and that they -- you know, it's a grueling 15-, 16-hour 23 day and that -- that, certainly, has an effect.</p> <p>24 As far as the bad weather, the bad weather, 25 having to do with our election, is that we lost three</p>
<p style="text-align: right;">Page 319</p> <p>1 talking about the predecessor bills; is that right?</p> <p>2 A. That's what it sounds like, yes.</p> <p>3 Q. Okay. When you had mentioned that you thought 4 some of the election judges were afraid of being 5 prosecuted under a provision of the law, do you know if 6 they were basing it off of the old language that was not 7 included in SB 1, so the language that would have come 8 from the predecessor bills?</p> <p>9 A. I don't think I can get in the head of the 10 poll -- of the poll workers.</p> <p>11 Q. Okay. So when you were talking, then, about 12 poll workers who chose not to become a poll worker --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- because of this provision SB 1, how, then, 15 did you know what their motivation was if you can't be 16 in the head of the poll worker?</p> <p>17 A. When I said couldn't get in -- be in the head, 18 I don't know which version of SB 1 that they were 19 worried about. I know that they were worried about 20 being prosecuted.</p> <p>21 Q. Okay. So you don't know if it was based on the 22 language that actually passed the Legislature versus the 23 language that was discussed in the immediate and 24 predecessor bills?</p> <p>25 A. I do not know.</p>	<p style="text-align: right;">Page 321</p> <p>1 days of preparation because of ice days. And so that 2 affected the recruitment, the paperwork involved in -- 3 in obtaining and retaining poll workers.</p> <p>4 Q. The next sentence -- sorry -- next paragraph 5 reads: "Plus, there was a lack of familiar faces -- the 6 people who poll workers used to call directly to ask for 7 help or clarification."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. And then it continues: (Reading) There was a 11 new TEAM at the elections department. There was a new 12 TEAM at the Democratic office. There was a new TEAM at 13 the Republican office, Farrell said. These were not 14 people that you knew. You didn't have a relationship 15 with them.</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. To your knowledge, was there, in fact, new 19 TEAMS at the elections department?</p> <p>20 A. There is -- yes. The Voting Sites Manager, who 21 was here until September of last year, she became the 22 Elections Administrator for a different county. And so 23 there was a new -- and then there was a couple of 24 retirements out of that department, so there was new -- 25 new people within that department.</p>

<p>1 Q. And you may not know this, but are you aware if 2 there was a new TEAM at the Democratic Party office? 3 A. There's a new Republican Party Chair and a new 4 Democratic Party Chair. 5 Q. And so poll workers would have been interacting 6 with new individuals as opposed to established faces; is 7 that correct? 8 A. Yes. 9 Q. And based on your conversations with poll 10 workers in Dallas County or, perhaps, the individuals 11 who were recruiting and training poll workers, do you 12 know if this was a concern expressed by any poll 13 workers? 14 A. What's "this"? 15 Q. "This" was just referring to the fact that they 16 were new faces, and they wouldn't be interacting with 17 established personnel. 18 A. I don't recall that being an issue. 19 Q. Okay. We can put this aside. 20 THE REPORTER: And if you're at a breaking 21 point, I really need a break. I'm sorry -- 22 MS. HUNKER: Yeah, we can take -- 23 THE REPORTER: -- but we've been going for 24 a good while. 25 MS. HUNKER: -- a five-minute break --</p>	<p>Page 322 1 reasons, including the fact that it's a Saturday in May 2 and the day before Mother's Day and that -- Texas 3 still -- or Dallas still has an extraordinarily high 4 number of polling places compared to other jurisdictions 5 and -- and because of SB 1. 6 Q. Okay. And have you had to close polling 7 locations for the May 7th election? 8 A. We went to Commissioners Court, and we talked 9 about the issues with poll workers. And we brought to 10 them several suggestions on what we might be able to do 11 about that, including increasing poll worker pay, which 12 we did, about recruiting more -- you know, that rather 13 than relying solely on the parties to recruit poll 14 workers, for our elections office to recruit poll 15 workers, which we -- we started to do. 16 We've talked about using county workers more 17 aggressively, adding some financial incentive to use 18 county poll workers as backup poll workers, which we're 19 doing. And then we talked about reducing the number of 20 polling places because Dallas has so many compared to 21 other jurisdictions of similar size. 22 And -- and so we -- we got together with our 23 Citizen Election Advisory Committee, our Vote Center 24 Advisory Committee, and we got a consensus amongst all 25 those organizations to reduce the number by -- of</p>
<p>1 THE REPORTER: Thank you. 2 MS. HUNKER: -- or a ten-minute break. 3 THE WITNESS: Okay. 4 THE VIDEOGRAPHER: We're going off the 5 record. The time is 7:43 p.m. 6 (Break taken.) 7 THE VIDEOGRAPHER: We're back on the 8 record. The time is 7:50 p.m. 9 Q. (By Ms. Hunker) Mr. Scarpello, before the 10 break, we were talking about poll watchers. 11 Specifically, we were looking at a news article that was 12 talking about possible poll worker shortage. 13 Do you remember that part of the con -- 14 A. Yes. 15 Q. -- -versation? 16 So that was in reference to the March primary 17 in 2022, correct? 18 A. Correct. 19 Q. So we are actually in Early Voting for the May 20 7th election; is that correct? 21 A. That's correct. 22 Q. Is there still a poll worker shortage in 23 Dallas? 24 A. We're very worried about a poll worker shortage 25 for the May 7th and May 24th election for various</p>	<p>Page 323 Page 325 1 polling places by 40. Having said that, we still have 2 an extraordinarily high number of polling places for an 3 election of this predict- -- projected turnout, so we're 4 still concerned. 5 Q. And was this also in relation to the transfer 6 to countywide polling places? If you need me to provide 7 some foundation, I'm happy to do so. 8 A. Could you, please? 9 Q. So when Mr. Lopez was testifying, he was 10 explaining that, in 2019, Dallas County started 11 countywide polling locations on Election Day. 12 A. Correct. 13 Q. He also said that, attendant to that decision, 14 Dallas County intended to reduce, on Election Day, 15 polling locations at certain precincts and rely instead 16 on the ability of individuals to vote wherever they were 17 in the county. 18 A. Texas law allows a county that moves from 19 precinct polling places to countywide polling places, 20 otherwise known as vote centers, to reduce the number of 21 locations because that's kind of the intent of vote 22 centers. You have less locations, but better quality, 23 larger locations. 24 In 2019, Dallas County chose not to reduce the 25 simply -- every location that was a precinct polling</p>

<p style="text-align: right;">Page 326</p> <p>1 place, they made a countywide vote center. In fact, 2 they increased the number. Instead of just having the 3 same number, they had even more, which led to too 4 many -- too many vote centers. And so that's why we're 5 where we're at today with this very large number of vote 6 centers because, like I said in my earlier testimony, 7 after that two-year period from 2019 to 2021, we tried 8 to reform the Vote Center Advisory Committee and to 9 bring a new proposal to study the use of vote centers 10 and either keep the number the same, increase the number 11 or decrease the number.</p> <p>12 It -- we were going to go where the facts led 13 us and where the Vote Center Advisory Committee led us. 14 But unfortunately, we never got that committee together 15 because the county chose not to because we're in the 16 middle of redistricting.</p> <p>17 Q. Okay. And so are you not reducing, for 18 November 2022, the number of vote centers on Election 19 Day?</p> <p>20 A. We have no plans to reduce for November. The 21 proposal that was passed by Commissioners Court recently 22 was to reduce by 40 for the May elections only.</p> <p>23 Q. Do you know if you usually have a harder time 24 recruiting poll workers for the May election than you 25 would for a November election?</p>	<p style="text-align: right;">Page 328</p> <p>1 who was on -- on the Zoom call -- 2 A. Yes. 3 Q. -- where -- 4 A. Okay. Yes. 5 Q. Where she had asked you if everyone who 6 successfully applied to vote by mail was registered to 7 vote. Do you remember that? 8 A. Yes. 9 Q. And do you remember you had said "yes"? 10 A. Yes. 11 Q. That assumes it was the voter who submitted the 12 application; is that correct? 13 A. Yes. 14 Q. You also had discussed drive-thru voting 15 earlier in your testimony. 16 Do you remember that? 17 A. Yes. 18 Q. And you said you would have pursued drive-thru 19 voting -- 20 A. (Witness moves head up and down.) 21 Q. -- the option, but for SB 1; is that correct? 22 A. Correct. 23 Q. How far had you gotten into looking at 24 drive-thru voting before the enactment of SB 1? 25 A. Not too far because we had heard rumblings in</p>
<p style="text-align: right;">Page 327</p> <p>1 A. Recruiting poll workers usually mirrors -- the 2 interest in being a poll worker usually mirrors the 3 interest in participation of an election. So a 4 Presidential election, a lot of voters, a lot of poll 5 workers. A May election in -- in -- on a Saturday, not 6 a lot of voters, not a lot of poll workers.</p> <p>7 Q. And are you aware if the May local tends to 8 have the lowest interest of voters compared to the other 9 elections held?</p> <p>10 A. I'd have to kind of consult the -- the history, 11 but I -- generally speaking, yes, the May joint 12 election; or the May 24th election, for instance, the 13 joint runoff election for the primary, that's going to 14 be extraordinarily low turnout.</p> <p>15 Q. So the May 7th election has low interest for 16 individuals becoming a poll worker, is that correct, 17 lower?</p> <p>18 A. Yes, lower than -- than, say, the primary, 19 which would be lower than a general.</p> <p>20 Q. And the same is true of the primary runoff; 21 there will be a lower interest in becoming a poll worker 22 for the May 20 -- May runoff in '24?</p> <p>23 A. That's correct.</p> <p>24 Q. Do you remember your conversation with 25 OCA-Greater Houston's Counsel? She was the individual</p>	<p style="text-align: right;">Page 329</p> <p>1 the Legislature that they were going to get rid of 2 drive-thru voting. 3 Q. Had you looked at the logistics of drive-thru 4 voting? 5 A. Not necessarily, no. 6 Q. And did you inquire into the logistics of how 7 Harris County implemented their drive-thru voting 8 turnout? 9 A. I read about it. I didn't talk to anyone 10 firsthand in Harris. 11 Q. Did you inquire about any irregularities that 12 occurred in Harris County related to drive-thru voting? 13 A. No. 14 Q. And did you -- did you inquire about any 15 possible vote discrepancies that occurred during 16 drive-thru voting? 17 A. I don't imagine -- I'm trying to imagine why 18 there would be any vote discrepancies. Drive-thru 19 voting is no different than -- you're just sitting in 20 your car instead of standing up, walking into a 21 building. So that -- that wouldn't be at the top of my 22 list of -- the logistics, of course, are the bigger 23 concern. 24 Q. Okay. So you wouldn't know about any vote 25 discrepancies that would have occurred in Harris County</p>

Page 330	Page 332
1 in relation to --	1 sign.
2 A. No.	2 THE REPORTER: Okay. Thank you. That's
3 Q. -- drive-thru voting?	3 all.
4 And you hadn't troubleshooted whether or not	4 THE VIDEOGRAPHER: Okay. We're going off
5 there would be difficulties in implementing it through	5 record at 8:02 p.m.
6 logistics with drive-thru voting?	6
7 A. We had not gotten that deep into it, no.	7 (Deposition concluded at 8:02 p.m.)
8 Q. You also had discussed communications that your	8
9 office had received from voters about drive-thru voting.	9
10 Do you remember this part of your testimony?	10
11 A. Yes.	11
12 Q. And I believe you said voters had questions	12
13 about drive-thru voting.	13
14 A. That's my memory, is that people were asking:	14
15 If Harris is doing it, how come Dallas is not doing it?	15
16 Q. You were not in Dallas County at the time this	16
17 occurred, correct?	17
18 A. That's correct.	18
19 Q. And so you would have only heard about these	19
20 conversations second-hand; is that right?	20
21 A. That's correct.	21
22 Q. And this would have been months after those	22
23 conversations took place, correct?	23
24 A. That's correct.	24
25 MS. HUNKER: I do not believe I have	25
Page 331	Page 333
1 anymore questions for you.	1 CORRIGENDUM
2 MR. WHITE: I have no further questions.	2 WITNESS NAME: RIVELINO LOPEZ 4/29/22
3 MR. STOOL: I have no questions.	3 PAGE LINE CHANGE REASON
4 MS. HUNKER: Does anybody on the Zoom call	4 _____
5 have anymore questions for the witness?	5 _____
6 MS. CAI: None here. Thank you.	6 _____
7 MS. BENDER: No. Thank you.	7 _____
8 THE REPORTER: Let's see. And which order	8 _____
9 was that in just now for the --	9 _____
10 MS. CAI: That was Ms. Cai followed by	10 _____
11 Brady.	11 _____
12 THE REPORTER: You were first and then	12 _____
13 Ms. Brady?	13 _____
14 MS. CAI: Yeah.	14 _____
15 THE REPORTER: Okay. Thank you.	15 _____
16 THE VIDEOGRAPHER: Okay. We're going off	16 _____
17 the record. The time is 8:00 o'clock p.m.	17 _____
18 (Discussion off the record.)	18 _____
19 THE VIDEOGRAPHER: Okay. We're on record	19 _____
20 at 8:02 p.m.	20 _____
21 THE REPORTER: Okay. Would Counsel please	21 _____
22 state any stipulations about custody of the original,	22 _____
23 the exhibits or any other pertinent matters, on the	23 _____
24 record?	24 _____
25 MR. STOOL: Opportunity to review and	25 _____

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Pages 334 to 337

<p style="text-align: right;">Page 334</p> <p>1 I, RIVELINO LOPEZ, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted above. 4 5</p> <p>6 <u>RIVELINO LOPEZ</u></p> <p>7</p> <p>8 THE STATE OF TEXAS) 9 COUNTY OF _____) 10</p> <p>11 Before me, _____, on 12 this day personally appeared RIVELINO LOPEZ, known to me (or proved to me under oath or through _____ 13 _____) (description of identity card or other document) to be the person whose name is 14 subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. 15 Given under my hand and seal of office, this _____ day of _____, 2022. 16 17</p> <p>18 <u>NOTARY PUBLIC IN AND FOR</u> THE STATE OF _____ 19</p> <p>20 My commision expires: _____ 21 22 23 24 25</p>	<p style="text-align: right;">Page 336</p> <p>1 I, TACOMA PHILLIPS, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted above. 4 5</p> <p>6 <u>TACOMA PHILLIPS</u></p> <p>7</p> <p>8 THE STATE OF TEXAS) 9 COUNTY OF _____) 10</p> <p>11 Before me, _____, on 12 this day personally appeared TACOMA PHILLIPS, known to me (or proved to me under oath or through _____ 13 _____) (description of identity card or other document) to be 14 the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. 15 Given under my hand and seal of office, this _____ 16 day of _____, 2022. 17 18</p> <p>19 <u>NOTARY PUBLIC IN AND FOR</u> THE STATE OF _____ 20</p> <p>21 My commision expires: _____ 22 23 24 25</p>
<p style="text-align: right;">Page 335</p> <p>1 CORRIGENDUM 2 WITNESS NAME: TACOMA PHILLIPS 4/29/22 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>	<p style="text-align: right;">Page 337</p> <p>1 2 CORRIGENDUM 3 WITNESS NAME: MICHAEL SCARPELLO 4/29/22 4 PAGE LINE CHANGE REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>

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Pages 338 to 341

Page 338		Page 340	
1		1	record of the testimony given by the witnesses.
2	I, MICHAEL SCARPELLO, have read the foregoing	2	I further certify that pursuant to Federal
3	deposition and hereby affix my signature that same is	3	Rules of Civil Procedure, Rule 30(e)(1)(A) and (B) as
4	true and correct, except as noted above.	4	well as Rule 30(e)(2), that review of the transcript and
5		5	signature of the deponent:
6		6	_____ was requested by the deponent and/or a
7	MICHAEL SCARPELLO	7	party before completion of the deposition.
8		8	_____ was not requested by the deponent and/or
9	THE STATE OF TEXAS)	9	a party before the completion of the deposition.
10	COUNTY OF _____)	10	I further certify that I am neither attorney or
11		11	counsel for, nor related to or employed by any of the
12	Before me, _____, on	12	parties to the action in which this deposition is taken
13	this day personally appeared MICHAEL SCARPELLO, known to	13	and further that I am not a relative or employee of any
14	me (or proved to me under oath or through	14	attorney of record in this cause, nor am I financially
15	_____)	15	or otherwise interested in the outcome of the action.
16	(description of identity card or other document) to be	16	The amount of time used by each party at the
17	the person whose name is subscribed to the foregoing	17	deposition is as follows.
18	instrument and acknowledged to me that they executed the	18	
19	same for the purposes and consideration therein	19	1. MS. NINA PERALES
20	expressed.	20	TIME: 04:16
21		21	2. MR. GRAHAM W. WHITE
22	Given under my hand and seal of office, this _____	22	TIME: 00:37
23	day of _____, 2022.	23	3. MS. KATHLEEN HUNKER
24		24	TIME: 01:23
25	NOTARY PUBLIC IN AND FOR	25	4. BEN L. STOOL
	THE STATE OF _____		TIME: 00:00
	My commision expires: _____		5. MS. BRADY BENDER
			TIME: 00:06
			6. MS. SOPHIA CAI
			TIME: 00:24
			7. MS. JACQUELINE VILLAREAL
Page 339		Page 341	
1		1	TIME: 00:00
2	REPORTER'S CERTIFICATION	2	Subscribed and sworn to on the _____ day
3		3	of May, 2022.
4	UNITED STATES DISTRICT COURT	4	
5	WESTERN DISTRICT OF TEXAS	5	Holly R. Swinford
6	SAN ANTONIO DIVISION	6	Texas CSR 3356
7	LA UNION DEL PUEBLO ENTERO, )(	7	Expiration: 2/1/2024
8	ET AL., )(	8	Magna Legal Services
9	PLAINTIFFS, )(	9	Firm Registration No. 633
10	)( CIVIL ACTION	10	16414 San Pedro Ave., Suite 900
11	VS.)(NO. SA-21-CV-00844-XR	11	San Antonio, Texas 78232
12	)(	12	(866) 672-7880
13	GREGORY W. ABBOTT, ET AL., )(	13	
14	)(	14	
15	DEFENDANTS. )(	15	
16	-----	16	
17		17	
18	ORAL DEPOSITION OF RIVELINO LOPEZ,	18	
19	TACOMA PHILLIPS AND MICHAEL SCARPELLO	19	
20	APRIL 29, 2022	20	
21	I, Holly R. Swinford, Certified Shorthand	21	
22	Reporter in and for the State of Texas, do hereby	22	
23	certify to the following:	23	
24	That the witnesses, Rivelino Lopez, Tacoma	24	
25	Phillips and Michael Scarpello, were by me duly sworn	25	
	and that the transcript of the oral deposition is a true		

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